

## **BOARD FOR CONTRACTORS BOARD MEETING**

### **DRAFT MINUTES**

The Board for Contractors met on Tuesday, January 12th, 2010 at the Department of Professional and Occupational Regulation (DPOR), 9960 Mayland Drive, Richmond, Virginia. The members indicated below were present. Each of the other members present was qualified to vote, except where a specific reason for disqualification is stated. There are 13 members on this board, in which seven constitutes a quorum pursuant to §54.1-1102.

Robert M. Kirby, Chairman  
Mark Cronin  
Bailey Dowdy  
Herbert "Jack" Dyer, Jr.  
Kenneth Hart  
Jack Miller  
Michael Redifer  
William Rusher  
Troy Smith  
Homer Pete Sumpter  
Deborah Lynn Tomlin  
Wyatt Walton  
Bruce Williams  
Dorothy Wood

All Board Members were present at the meeting.

Staff members present for all or part of the meeting were:

Jay W. DeBoer, Director  
Mark Courtney, Deputy Director, LRD  
Eric L. Olson, Executive Director  
Sheila Watkins, Administrative Assistant  
Karen Bullock, Administrative Assistant  
Victoria Traylor, Legal Analyst  
Earlyne Perkins, Legal Analyst  
Kelly Smitham, Licensing Specialist  
Jill Richardson, Licensing & Education Manager  
Adrienne Mayo, Regulatory Boards Administrator  
Steven Jack, Assistant Attorney General

Chairman Robert Kirby called the meeting to order at 9:09 a.m. and declared a quorum members was in attendance.

**Call  
To Order**

A motion was made by **Mr. Sumpter** and seconded by **Mrs. Wood** to approve the agenda. The motion passed unanimously. Members voting “Yes” were: **Tomlin, Dyer, Rusher, Hart, Sumpter, Smith, Kirby, Redifer, Dowdy, Cronin, Wood, Miller and Walton.**

**Approval of the Agenda**

**Williams had not arrived yet.**

**Mr. Hart** moved to approve the following minutes as submitted from the:

**Approval of Minutes**

December 8, 2009 Board for Contractors Meeting  
November 19th, 2009 Informal Fact Finding Conference  
December 1, 2009 Informal Fact Finding Conference  
December 2, 2009 Informal Fact Finding Conference  
December 3, 2009 Informal Fact Finding Conference  
December 8, 2009 Informal Fact Finding Conference

**Mr. Dyer** seconded the motion and it was unanimously approved by members: The motion passed unanimously. Members voting “Yes” were: **Tomlin, Dyer, Rusher, Hart, Sumpter, Smith, Kirby, Redifer, Dowdy, Wood, Miller, Cronin and Walton.**

**Williams had not arrived yet.**

**There was no public comment.**

**Public Comment Period**

**In the matter of Recovery Fund File Number 2006-01915, Pauline Hudkins and Lee Hudkins (Claimants) vs. Claude Nethery t/a Richmond Renovation (Regulant);** the board reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation. **Claude Nethery t/a Richmond Renovation (Regulant)** did not appear at the board meeting. **Pauline and Lee Hudkins (Claimants)** did attend the Board meeting. They addressed the Board and shared their disagreement with the recommendation.

**File Number  
2006-01915  
Pauline Hudkins and  
Lee Hudkins (Claimant)  
and Claude Nethery t/a  
Richmond Renovation  
(Regulant)**

At 9:14 Board Member Williams, arrived at the Board meeting.

**Mr. Redifer and Ms. Wall**, the Board’s Hearing Representatives were not present and did not participate during the discussion or the vote.

Mr. Walton had discussion concerning the Debtor Interrogatories and Mr. Dyer had concerns about the language he identified that was not included in the judgment.

After discussion, a motion was made by **Ms. Wood** and seconded by **Mr. Sumpter** to

adopt the claim review and the hearing officer's recommendations and summary and deny payment of the claim. The Claim Review and Summary are incorporated as a part of this Order. The motion passed by majority vote. Members voting "Yes" were: **Tomlin, Dyer, Rusher, Hart, Sumpter, Smith, Kirby, Wood, and Dowdy.**

**Members voting "no" were: Cronin, Williams, Miller and Walton. The vote was 9 "yes" and 4 "no". Mr. Redifer was not present and did not vote.**

**In the matter of Recovery Fund File Number 2009-03145, Pedro and Jayne Casingal (Claimant) vs. Michael Joseph Dempich t/a 1<sup>st</sup> Choice Window Company (Regulant);** the board reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation. **Michael Joseph Dempich t/a 1<sup>st</sup> Choice Window Company (Regulant)** did not appear at the board meeting. **Pedro and Jayne Casingal (Claimant)** did not attend the Board meeting.

**File Number**  
**2009-03145**  
**Pedro and Jayne**  
**Casingal (Claimant) and**  
**Michael Joseph Dempich**  
**t/a 1<sup>st</sup> Choice Window**  
**Company (Regulant)**

**Mr. Redifer**, the Board's Hearing Representative was not present and did not participate during the discussion or the vote.

After discussion, a motion was made by **Ms. Wood** and seconded by **Mr. Sumpter** to adopt the claim review and the hearing officer's recommendations and summary for violations and pay the claim in the amount of \$3,360.00. The Claim Review and Summary are incorporated as a part of this Order. The Board finds that substantial evidence exists that the actions of **Michael Joseph Dempich t/a 1<sup>st</sup> Choice Window Company** does fall within the statutory definition of improper and dishonest conduct. The motion passed by unanimous vote. Members voting "Yes" were: **Tomlin, Dyer, Rusher, Hart, Sumpter, Smith, Kirby, Dowdy, Wood, Cronin, Williams, Miller and Walton.**

**Mr. Redifer did not participate and did not vote.**

**In the matter of Recovery Fund File Number 2009-02144, James and Sandra Myers (Claimant) vs. Custom Wood Worx, Inc. (Regulant);** the board reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation. **Custom Wood Worx, Inc. (Regulant)** did not appear at the board meeting. **James Myers (Claimants)** did attend the Board meeting. He addressed the Board and shared his agreement with the recommendation.

**File Number**  
**2009-02144**  
**James and Sandra**  
**Myers (Claimant) and**  
**Custom Wood Worx,**  
**Inc. (Regulant)**

**Mr. Redifer**, the Board's Hearing Representative was not present and did not participate during the discussion or the vote.

After discussion, a motion was made by **Ms. Wood** and seconded by **Mr. Hart** to adopt the claim review and the hearing officer's recommendations and summary for violations and pay the claim in the amount of **\$20,000.00**. The Claim Review and Summary are incorporated as a part of this Order. **The Board finds there is** substantial evidence that the actions of **Custom Wood Worx, Inc.** do fall within the

statutory definition of improper and dishonest conduct. The motion passed by unanimous vote. Members voting “Yes” were: **Tomlin, Dyer, Rusher, Hart, Sumpter, Smith, Kirby, Dowdy, Wood, Cronin, Miller, Williams and Walton.**

**Redifer was not present and did not vote.**

**In the matter of Recovery Fund File Number 2009-02447, Melinda Goodin & James Williams (Claimants) vs. N.A.P. Homes Inc. (Regulant);** the board reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation. **N.A.P. Homes Inc (Regulant)** did not appear at the board meeting. **Melinda Goodin and James Williams (Claimant)** did attend the Board meeting. They addressed the Board and shared their agreement with the Recommendation.

**File Number**  
**2009-02447**  
**Melinda Goodin &**  
**James Williams**  
**(Claimant) vs N.A.P.**  
**Homes Inc.**

**Mr. Redifer**, the Board’s Hearing Representative was not present and did not participate during the discussion or the vote. After discussion, a motion was made by **Mr. Sumpter** and seconded by **Ms. Wood** to adopt the claim review and the hearing officer’s recommendations and summary for violations and pay the claim in the amount of **\$20,000.00**. The Claim Review and Summary are incorporated as a part of this Order. The Board found substantial evidence that the actions of **N.A.P. Homes Inc.** do fall within the statutory definition of improper and dishonest conduct The motion passed by unanimous vote. Members voting “Yes” were: **Tomlin, Dyer, Rusher, Hart, Sumpter, Smith, Kirby, Dowdy, Wood, Miller, Cronin, Williams and Walton.**

**Redifer was not present and did not vote.**

**In the matter of Recovery Fund File Number 2009-03603, Lisa Freeman (Claimants) vs. David Webber t/a Webber’s A Touch Above the Rest (Regulant);** the board reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation. **David Webber t/a Webber’s A Touch Above the Rest (Regulant)** did not appear at the board meeting. **Lisa Freeman (Claimant)** did not attend the Board meeting.

**File Number**  
**2009-03603**  
**Lisa Freeman**  
**(Claimant) and David**  
**Webber t/a Webber’s A**  
**Touch Above the Rest**  
**(Regulant)**

**Mr. Redifer**, the Board’s Hearing Representative was not present and did not participate during the discussion or the vote.

After discussion, a motion was made by **Mr. Smith** and seconded by **Ms. Wood** to adopt the claim review and the hearing officer’s recommendations and summary for violations and pay the claim in the amount of **\$1,831.00**. The Claim Review and Summary are incorporated as a part of this Order. The Board found substantial evidence that the actions of **David Webber t/a Webber’s A Touch Above the Rest** do fall within the statutory definition of improper and dishonest conduct The motion passed by unanimous vote. Members voting “Yes” were: **Tomlin, Dyer, Rusher, Hart, Sumpter, Smith, Kirby, Redifer, Dowdy, Cronin, Wood, Miller, Williams and Walton.**

**Redifer was not present and did not vote.**

**In the matter of Recovery Fund File Number 2009-03699, Richard & Evalyne Leith (Claimants) vs. Simpson Heating and Cooling (Regulant);** the board reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation. **Simpson Heating and Cooling (Regulant)** did not appear at the board meeting. **Richard & Evalyne Leith (Claimants)** did attend the Board meeting. They addressed the Board and shared their disagreement with the Recommendation.

**File Number**  
**2009-03699**  
**Richard & Evalyne**  
**Leith (Claimant) and**  
**Simpson Heating and**  
**Cooling (Regulant)**

**Mr. Redifer**, the Board's Hearing Representative was not present and did not participate during the discussion or the vote.

After discussion, a motion was made by **Mr. Hart** and seconded by **Ms. Wood** to adopt the claim review and the hearing officer's recommendations and summary and deny payment of the claim. The Claim Review and Summary are incorporated as a part of this Order. The Board finds that language in the judgment order does not support the payment of the claim. The motion passed by unanimous vote. Members voting "Yes" were: **Tomlin, Dyer, Rusher, Hart, Sumpter, Smith, Kirby, Dowdy, Wood, Miller, Cronin, Williams and Walton.**

**Redifer was not present and did not vote.**

**In the matter of Recovery Fund File Number 2009-04185, Harriett and William Smith (Claimants) vs. Affordable Remodeling Company (Regulant);** the board reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation. **Affordable Remodeling Company (Regulant)** did not appear at the board meeting. **Harriett and William Smith (Claimants)** did not attend the Board meeting.

**File Number**  
**2009-04185**  
**Harriett and William**  
**Smith (claimants) vs.**  
**Affordable Remodeling**  
**Company**

**Mr. Redifer**, the Board's Hearing Representative was not present and did not participate during the discussion or the vote.

After discussion, a motion was made by **Mr. Williams** and seconded by **Mr. Sumpter** to adopt the claim review and the hearing officer's recommendations and summary and approve the claim for payment in the amount of **\$11,065.00**. The motion passed by unanimous "yes" vote. Members voting were: **Kirby, Wood, Walton, Cronin, Tomlin, Dyer, Rusher, Hart, Sumpter, Smith, Williams, Miller and Dowdy.**

**Redifer was not present and did not vote.**

**In the matter of Recovery Fund File 2009-04186, Earnest Fitzpatrick (Claimant) and Edward Bittner Plumbing & Heating (Regulant);** the board reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation.

**File Number**  
**2009-04186**  
**Earnest Fitzpatrick**  
**(Claimant) and Edward**

**Edward Bittner Plumbing & Heating (Regulant)**, did not attend the Board meeting. **Earnest Fitzpatrick (Claimant)** attended the Board meeting. He addressed the Board and shared his disagreement.

**Bittner Plumbing & Heating**

After discussion a motion was made by **Mr. Williams** and seconded by **Mr. Sumpter** to adopt the claim review and the hearing officer's recommendations and summary and deny the claim for payment in the amount of **\$1,460.00**. The Claim Review and Summary are incorporated as a part of this Order. The Board finds that language in the judgment order does not support the payment of the claim. The motion passed by majority vote. Members voting "Yes" were: **Tomlin, Dyer, Rusher, Hart, Sumpter, Smith, Kirby, Redifer, Dowdy, Wood, Miller and Williams**.

**Cronin and Walton** voted "no". The motion passed with a vote of 11 to 2. **Redifer** did not participate and did not vote.

**In the matter of Recovery Fund File 2009-04271, Mary Hooker (Claimant) and Blackmon Construction Home Improvement, Inc. (Regulant)**; the board reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation.

**File Number**  
**2009-04271**  
**Mary Hooker v**  
**(Claimant) and**  
**Blackmon Construction**  
**Home Improvement,**  
**Inc. (Regulant)**

**Mary Hooker (Claimant)** appeared at the Board meeting. She addressed the Board and shared her disagreement. **Blackmon Construction Home Improvement, Inc. (Regulant)** did not appear at the Board meeting in person or by counsel or by any other qualified representative.

**Mr. Redifer** the Board's hearing officer was not present, did not participate and did not vote.

After discussion a motion was made by **Mr. Dyer** and seconded by **Mr. Sumpter** to adopt the claim review, summary, and the hearing officer's recommendations which contain the facts regarding the recovery fund claim in this matter. The Claim Review and Summary are incorporated as a part of the Order. The Board finds there is not language in the order that supports payment of the claim. The Board voted to disapprove payment of the claim. The motion passed by unanimous vote. Members voting "yes" were: **Tomlin, Cronin, Dyer, Rusher, Hart, Sumpter, Smith, Kirby, Dowdy, Wood, Miller, Williams and Walton**.

**Redifer** was not present and did not vote.

**In the matter of Recovery Fund File 2009-04508, Katherine Shield (Claimant) and Glenn DuBois t/a Woodchuck Marine Structures (Regulant)**; the board reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation.

**File Number**  
**2009-04508**  
**Katherine Shield**  
**(Claimant) vs Glenn**  
**DuBois t/a Woodchuck**  
**Marine Structures**

**Katherine Shield (Claimant)** appeared at the Board meeting. She addressed the Board and shared her agreement with the recommendation. **Glenn DuBois t/a**

**Woodchuck Marine Structures (Regulant)** did not appear at the Board meeting in person or by counsel or by any other qualified representative.

**Mr. Redifer** the Board representative was not present and did not vote. During the discussion, **Mr. Dyer** expressed concerns about Debtor Interrogatories.

After further discussion a motion was made by **Mr. Sumpter** and seconded by **Mrs. Wood** to adopt the claim review, which contains the facts regarding the recovery fund claim in this matter, adopts the Summary and amends the recommendation to pay the claim in the amount of **\$12,347.47**. The Claim Review and Summary are incorporated as a part of the Order. The Board finds there is language in the order that supports the conclusion that the court found that the conduct of **Glenn DuBois t/a Woodchuck Marine Structures** involved improper or dishonest conduct. The motion passed by unanimous vote. Members voting "yes" were: **Tomlin, Dyer, Rusher, Hart, Sumpter, Smith, Kirby, Dowdy, Wood, Cronin, Miller, Williams and Walton**.

**Redifer was not present and did not vote.**

**In the matter of Recovery Fund File 2009-01918, Wendy Johnson (Claimant) vs The Sovereign Group, Inc. t/a Window Wizards of America (Regulant);** the board reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation.

**File Number**  
**2009-01918**  
**Wendy Johnson**  
**(Claimant) vs The**  
**Sovereign Group, Inc.**  
**t/a Window Wizards of**  
**America (Regulant)**

**Wendy Johnson** did appear at the Board meeting in person. She addressed the Board and shared her disagreement with the recommendation. **The Sovereign Group, Inc. t/a Window Wizards of America** did not appear at the Board meeting in person or by counsel or by any other qualified representative.

**Mr. Rusher**, the Board's hearing officer was not present and did not vote.

After discussion a motion was made by **Mr. Sumpter** and seconded by **Mr. Williams** to adopt the claim review, which contains the facts regarding the recovery fund claim in this matter, adopts the Summary and the recommendation. The Claim Review and Summary are incorporated as a part of the Order. The Board finds that language in the judgment order does not support the payment of the claim. The Board voted to deny payment of the claim in the amount of **\$8,004.00**. The motion passed by majority vote. Members voting "yes" were: **Redifer, Dyer, Tomlin, Hart, Sumpter, Smith, Kirby, Dowdy, Wood, Miller and Williams**.  
**Cronin and Walton voted "no". Rusher was not present and did not vote.**

**In the matter of Recovery Fund File 2009-02330, James Martin (Claimant) vs Dennis McCall t/a A-Plus Builders (Regulant);** the board reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation.

**File Number**  
**2009-02330**  
**James Martin**  
**(Claimant) vs Dennis**  
**McCall t/a A-Plus**  
**Builders (Regulant)**

**James Martin (Claimant)** did not appear at the Board meeting in person. **Dennis McCall t/a A-Plus Builders** did not appear at the Board meeting in person or by

counsel or by any other qualified representative.

**Mr. Rusher**, the Board's hearing officer was not present and did not participate.

After discussion a motion was made by **Mr. Sumpter** and seconded by **Mrs. Wood** to adopt the claim review, which contains the facts regarding the recovery fund claim in this matter, adopts the Summary and accept the recommendation to deny payment of the claim. The Board finds that language in the judgment order does not support the payment of the claim. The motion passed by unanimous vote. Members voting "yes" were: **Tomlin, Sumpter, Dyer, Redifer, Hart, Smith, Miller, Dowdy, Kirby, Cronin, Williams, Wood and Walton.**

**Rusher was not present and did not vote.**

**In the matter of Recovery Fund File 2009-03394, Rick Rahim (Claimant) and Sealand Development Corp (Regulant);** the board reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation.

**File Number**  
**2009-03394**  
**Rick Rahim (Claimant)**  
**vs. Sealand Development**  
**Corp (Regulant)**

**Rick Rahim did** appear at the Board meeting in person and he addressed the Board. He shared his disagreement with the Recommendation. **Stephen Cobb, attorney for Anthony Saatlou of Sealand Development Corp** did appear at the Board meeting in person and addressed the Board. They shared their agreement with the Recommendation.

**Mr. Rusher**, the Board's hearing officer did not participate and was not present.

After discussion a motion was made by **Mr. Sumpter** and seconded by **Mr. Dowdy** to adopt the claim review, which contains the facts regarding the recovery fund claim in this matter, adopts the Summary and accepts the recommendation to deny payment of the claim. The Claim Review and Summary are incorporated as a part of the Order. The motion failed by majority vote. Members voting "yes" were: **Wood, Dowdy, Hart, Sumpter and Dyer.** Members voting "no" were: **Redifer, Walton, Williams, Smith, Cronin, Kirby, Tomlin and Miller.** The vote was 8 "no" and 5 "yes".

After further discussion and consideration of the reference to the Virginia Consumer Protection Act another motion was made by **Mr. Redifer and seconded by Mr. Williams** to remand the case back to staff for an additional Informal Fact Finding Conference to determine out of pocket expenses. The motion passed by majority vote. The motion passed by a majority vote. Members voting "yes" were: **Redifer, Williams, Wood, Tomlin, Sumpter, Dowdy, Miller, Dyer and Smith.**

**Walton, Hart, Cronin and Kirby voted "No".**

**Rusher was not present and did not vote.**



**In the matter of Recovery Fund File 2009-03898, Michael Middleton (Claimant) vs. Straightline General Contracting, Inc. (Regulant);** the board reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation.

**Middleton** did appear at the Board meeting in person. He addressed the Board and shared his disagreement with the Recommendation. He also shared that he had researched Recovery Fund cases from January through November 2009.

**Christopher and Liana Brown for Straightline General Contracting, Inc.** did appear at the Board meeting in person. They addressed the Board.

**Rusher** the Board's hearing officer did not participate and did not vote. He was not present.

After discussion a motion was made by **Mr. Redifer** and seconded by **Mr. Smith** to adopt the claim review, which contains the facts regarding the recovery fund claim in this matter, adopts the Summary and adopt the recommendation to deny paying the claim. The Claim Review and Summary are incorporated as a part of the Order. The Board finds that language in the judgment order does not support the payment of the claim. The motion passed by majority vote. Members voting "yes" were: **Redifer, Dyer, Tomlin, Hart, Sumpter, Smith, Dowdy, Miller and Walton.**

**Members voting "no" were: Kirby, Cronin, Williams and Wood.**

The vote passed 9 "yes" to 4 "no".

**Rusher was not present and did not vote.**

**In the matter of Recovery Fund File 2009-04413, Richard and Judith Wescott (Claimant) vs. George Linkous t/a L & K Specialties (Regulant);** the board reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation.

**Richard and Judith Wescott** appeared at the Board meeting in person. They addressed the Board and shared their agreement. **George Linkous t/a L & K Specialties** did not appear at the Board meeting in person or by counsel or by any other qualified representative.

After discussion a motion was made by **Mr. Williams** and seconded by **Mrs. Wood** to adopt the claim review, which contains the facts regarding the recovery fund claim in this matter, adopts the Summary and adopts the recommendation to pay the claim in the amount of **\$20,000.00**. The Claim Review and Summary are incorporated as a part of this Order. The Board found substantial evidence that the actions of **George Linkous t/a L & K Specialties** do fall within the statutory definition of improper and dishonest conduct. The motion passed by unanimous vote. Members voting "yes" were: **Redifer, Dyer, Hart, Sumpter, Smith, Kirby, Dowdy, Wood, Miller, Williams, Cronin, Tomlin and Walton.**

**File Number**  
**2009-03898**

**Michael Middleton  
(Claimant) vs.  
Straightline General  
Contracting, Inc.  
(Regulant)**

**File Number**  
**2009-04413**

**Richard and Judith  
Wescott (claimant) vs.  
George Linkous t/a L &  
K Specialties (Regulant)**

**Rusher was not present and did not vote.**

**In the matter of Recovery Fund File 2010-00650, Johnathan Kranz (Claimant) vs. Home Sweet Home Remodeling, Inc. (Regulant);** the board reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation.

**Attorney David Zobel and client Johnathan Krantz** appeared at the Board meeting in person. They addressed the Board and shared their agreement with the Recommendation. **Home Sweet Home Remodeling, Inc.** did not appear at the Board meeting in person or by counsel or by any other qualified representative.

**File Number**  
**2010-00650**  
**Johnathan Kranz**  
**(Claimant) vs. Home**  
**Sweet Home**  
**Remodeling, Inc.**  
**(Regulant)**

**Rusher** the Board's hearing officer was not present and did not participate.

After discussion a motion was made by **Mr. Williams** and seconded by **Ms. Wood** to adopt the claim review, which contains the facts regarding the recovery fund claim in this matter, adopts the Summary and adopts the recommendation to pay the claim in the amount of **\$6,577.95**. The Claim Review and Summary are incorporated as a part of this Order. The Board found substantial evidence that the actions of **Home Sweet Home Remodeling, Inc.** do fall within the statutory definition of improper and dishonest conduct. The motion passed by unanimous vote. Members voting "yes" were: **Redifer, Dyer, Cronin, Tomlin, Hart, Sumpter, Smith, Kirby, Dowdy, Wood, Miller, Williams and Walton.**

**Rusher was not present and did not vote.**

**In the matter of Recovery Fund File 2010-01145, Raviinder and Malika Singh (Claimant) vs. Michael Perry t/a Solid Concepts (Regulant);** the board reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation.

**David Zobel attorney and Raviinder and Malika Singh** did appear at the Board meeting. They addressed the Board and shared their agreement with the Recommendation. **Michael Perry t/a Solid Concepts** did not appear at the Board meeting in person or by counsel or by any other qualified representative.

**File Number**  
**2010-01145**  
**Raviinder and Malika**  
**Singh (Claimants) vs.**  
**Michael Perry t/a Solid**  
**Concepts (Regulant)**

After discussion a motion was made by **Ms. Wood** and seconded by **Mr. Williams** to adopt the claim review, which contains the facts regarding the recovery fund claim in this matter, adopts the Summary and adopts the recommendation to pay the claim in the amount of **\$20,000.00**. The Claim Review and Summary are incorporated as a part of this Order. The Board found substantial evidence that the actions of **Michael Perry t/a Solid Concepts** do fall within the statutory definition of improper and dishonest conduct. The motion passed by unanimous vote. Members voting "yes" were: **Redifer, Dyer, Rusher, Hart, Sumpter, Smith, Kirby, Dowdy, Wood, Miller, Williams, Cronin and Walton.**

**Tomlin was not present and did not vote.**

**In the matter of Recovery Fund File 2010-00679, Tyrone and Rene Drake (Claimant) vs. Min Whan Kim t/a Y W Contractors (Regulant);** the board reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation.

**A handout from Tyrone and Rene Drake was distributed to the members of the Board for Contractors.** The Drakes could not be present so they sent a handout to the Board. **Min Whan Kim t/a Y W Contractors** did not appear at the Board meeting in person or by counsel or by any other qualified representative.

After discussion a motion was made by **Ms. Wood** and seconded by **Mr. Williams** to adopt the claim review, which contains the facts regarding the recovery fund claim in this matter, adopts the Summary and adopts the recommendation to pay the claim in the amount of **\$6,008.08**. The motion passed by unanimous vote. Members voting "yes" were: **Redifer, Dyer, Cronin, Tomlin, Hart, Sumpter, Smith, Kirby, Dowdy, Wood, Miller, Williams and Walton.**

**Rusher was not present and did not vote.**

**In the matter of Recovery Fund File 2010-00782, John Elwood (Claimant) vs. Timothy Simmers t/a Simmers Construction (Regulant);** the board reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation.

**John Elwood** did not appear at the Board meeting in person. He shared his agreement with the Recommendation. **Timothy Simmers t/a Simmers Construction** did not appear at the Board meeting in person or by counsel or by any other qualified representative.

After discussion a motion was made by **Mr. Sumpter** and seconded by **Mrs. Wood** to adopt the claim review, which contains the facts regarding the recovery fund claim in this matter, adopts the Summary and adopts the recommendation to pay the claim in the amount of **\$20,000.00**. The Claim Review and Summary are incorporated as a part of this Order. The Board found substantial evidence that the actions of **Timothy Simmers t/a Simmers Construction** do fall within the statutory definition of improper and dishonest conduct. The motion passed by unanimous vote. Members voting "yes" were: **Redifer, Dyer, Tomlin, Hart, Sumpter, Smith, Kirby, Dowdy, Wood, Miller, Cronin, Williams and Walton.**

**Rusher was not present and did not vote.**

**In the matter of Recovery Fund File 2009-02212, Grant and Mary Simms (Claimant) vs. House Pros Inc. (Regulant);** the board reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and

**File Number**

**2010-00679**

**Tyrone and Rene Drake (Complainant) vs. Min Whan Kim t/a Y W Contractors (Regulant)**

**File Number**

**2010-00782**

**John Elwood (Claimant) vs. Timothy Simmers t/a Simmers Construction**

**File Number**

**2009-02212**

**Grant and Mary Simms**

recommendation.

**(Claimant) vs. House  
Pros Inc. (Regulant)**

**Joseph Lassiter counsel for Grant and Mary Simms** did appear at the Board meeting in person. He addressed the Board and shared his client's agreement with the Recommendations. **House Pros Inc.** did not appear at the Board meeting in person or by counsel or by any other qualified representative.

**Tomlin** the Board's hearing officer was not present and did not vote.

After discussion a motion was made by **Mrs. Wood** and seconded by **Mr. Sumpter** to adopt the claim review, which contains the facts regarding the recovery fund claim in this matter, adopts the Summary and adopts the recommendation to pay the claim in the amount of **\$20,000.00**. The Claim Review and Summary are incorporated as a part of this Order. The Board found substantial evidence that the actions of **House Pros Inc.** do fall within the statutory definition of improper and dishonest conduct. The motion passed by unanimous vote. Members voting "yes" were: **Redifer, Dyer, Rusher, Hart, Sumpter, Smith, Kirby, Dowdy, Wood, Miller, Cronin, Williams and Walton.**

**Tomlin** was not present and did not vote.

**In the matter of Recovery Fund File 2009-02219, Edward Kijewski (Claimant) vs. Kenneth Patrick Sr. t/a Patrick Renovations (Regulant);** the board reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation.

**File Number  
2009-02219  
Edward Kijewski  
(Claimant) vs. Kenneth  
Patrick Sr. t/a Patrick  
Renovations**

**Edward Kijewski** appeared at the Board meeting in person. He addressed the Board. **Kenneth Patrick Sr. t/a Patrick Renovations** did not appear at the Board meeting in person or by counsel or by any other qualified representative.

**Tomlin**, the Board's hearing officer did not participate.

After discussion a motion was made by **Mrs. Wood** and seconded by **Mr. Hart** to adopt the claim review, which contains the facts regarding the recovery fund claim in this matter, adopts the Summary and adopts the recommendation to pay the claim in the amount of **\$20,000.00**. The Claim Review and Summary are incorporated as a part of this Order. The Board found substantial evidence that the actions of **Kenneth Patrick** do fall within the statutory definition of improper and dishonest conduct. The motion passed by unanimous vote. Members voting "yes" were: **Redifer, Dyer, Rusher, Hart, Tomlin, Sumpter, Smith, Kirby, Dowdy, Wood, Miller, Williams and Walton.**

**Tomlin** was not present and did not vote.

**In the matter of Recovery Fund File 2009-02938, Donald and Diann Jackson (Claimant) vs. Bobby Zeigler (Regulant);** the board reviewed the record, which

**File Number  
2009-02938**

consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation.

**Donald and Diann Jackson** appeared at the Board meeting in person. She addressed the Board. **Bobby Zeigler** did not appear at the Board meeting in person or by counsel or by any other qualified representative.

**Donald and Diann  
Jackson (Claimant) vs.  
Bobby Zeigler  
(Regulant)**

**Tomlin** the Board's hearing officer was not present.

After discussion a motion was made by **Mr. Redifer** and seconded by **Mr. Williams** to adopt the claim review, which contains the facts regarding the recovery fund claim in this matter, adopts the Summary and adopts the recommendation to pay the claim in the amount of **\$20,000.00**. The Claim Review and Summary are incorporated as a part of this Order. The Board found substantial evidence that the actions of **Bobby Zeigler** do fall within the statutory definition of improper and dishonest conduct. The motion passed by unanimous vote. Members voting "yes" were: **Redifer, Cronin, Dyer, Rusher, Hart, Sumpter, Smith, Kirby, Dowdy, Wood, Miller, Williams and Walton**.

**Tomlin was not present and did not vote.**

**In the matter of Recovery Fund File 2009-03543, John and Leslie Madden (Claimant) vs. Edsall Design Build Inc. (Regulant);** the board reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation.

**File Number  
2009-03543  
John and Leslie Madden  
(Claimants) vs. Edsall  
Design Build Inc.**

**The Maddens** appeared at the Board meeting in person. They addressed the Board and shared their agreement with the Recommendation. **Edsall Design Build Inc.** did not appear at the Board meeting in person or by counsel or by any other qualified representative.

Tomlin, the Board's hearing officer did not participate.

After discussion a motion was made by **Mr. Sumpter** and seconded by **Mrs. Wood** to adopt the claim review, which contains the facts regarding the recovery fund claim in this matter, adopts the Summary and adopts the recommendation to pay the claim in the amount of **\$15,932.23**. An amendment was offered by **Mr. Dyer** and seconded by **Mr. Williams to amend the amount of the** recovery fund based on the information provided in the change order from \$15,932.23 to \$11,409.00. The Maddens were given a chance to respond to the amended motion. The amended motion failed by unanimous vote. Members voting "yes" were: **Williams and Dyer**. Members voting "no" were: **Redifer, Rusher, Hart, Sumpter, Smith, Kirby, Dowdy, Wood Miller, Cronin, and Walton**.

After further discussion Mr. Sumpter offered a motion seconded by Ms. Wood to adopt the claim review, which contains the facts regarding the recovery fund claim in

this matter, adopts the Summary and adopts the recommendation to pay the claim in the amount of **\$15,932.23**. The Board finds there is language in the order that supports substantial evidence that the actions of **Edsall Design Build Inc.** do fall within the statutory definition of improper and dishonest conduct the board voted to Members voting “yes” were: **Redifer, Cronin, Rusher, Hart, Sumpter, Smith, Kirby, Dowdy, Wood, Miller and Walton.**

Members voting “no” were: **Dyer and Williams.**

**Tomlin was not present and did not vote.**

**In the matter of Recovery Fund File 2009-04148, Michael and Joy Ross (Claimant) vs. Collin Hunter Hudson III t/a C H Remodeling & Construction Co/CHR & C Contracting (Regulant);** the board reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation.

**Michael and Joy Roy** did appear at the Board meeting in person. They shared their disagreement with the Recommendation. **Collin Hunter Hudson III t/a C H Remodeling & Construction Co/CHR&C Contracting** did not appear at the Board meeting in person or by counsel or by any other qualified representative.

**Tomlin** the Board’s hearing officer was not present and did not participate.

After discussion a motion was made by **Mr. Williams** and seconded by **Mr. Cronin** to adopt the claim review, which contains the facts regarding the recovery fund claim in this matter, adopts the Summary and reject the recommendation and to pay the claim in the amount of **\$13,828.66**. In this case the Board finds there is language in the sentencing order that supports the conclusion that the court found that the conduct of **C H Remodeling & Construction Co/CHR&C Contracting** involved improper and dishonest conduct. The motion passed by unanimous vote. Members voting “yes” were: **Redifer, Dyer, Cronin, Rusher, Hart, Sumpter, Smith, Kirby, Dowdy, Wood, Miller, Williams and Walton.**

**Tomlin was not present and did not vote.**

**In the matter of Recovery Fund File 2010-00638, Mark Stoltzfus (Claimant) vs. HEC Construction Services, Inc. t/a Home Exterior Concepts (Regulant);** the board reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation.

**Attorney Kevin Funk and the Thompsons** appeared at the Board meeting in person. They addressed the Board. **Regency Homes LC** did not appear at the Board meeting in person or by counsel or by any other qualified representative.

**Tomlin** the Board’s hearing officer was not present and did not participate.

**File Number**  
**2009-04148**

**Michael and Joy Ross  
(Claimants) vs. Collin  
Hunter Hudson III t/a C  
H Remodeling &  
Construction  
Co/CHR&C Contracting**

**File Number**  
**2010-00638**

**Mark Stoltzfus  
(Claimant) vs. HEC  
Construction Services,  
Inc. t/a Home Exterior  
Concepts**

After discussion a motion was made by **Mr. Sumpter** to adopt the claim review, which contains the facts regarding the recovery fund claim in this matter, adopts the Summary and adopts the recommendation to pay the claim in the amount of **\$20,000.00**. The motion failed by due to lack of a second.

After further discussion **Mr. Dyer** expressed concerns. **Walton** made a motion seconded by **Mr. Dowdy** to remand back to an IFF to determine dollars as related to Fraud and Breach. The motion passed with a majority vote. Members voting "yes" were: **Wood, Dyer, Walton, Miller, Rusher, Hart, Dowdy and Williams**. Members voting "no" were: **Cronin, Smith, Redifer, Kirby and Sumpter**. This case will be remanded back to staff for another Informal Fact Finding Conference. The vote was 8 yes and 5 no.

**Tomlin was not present and did not vote.**

**In the matter of Recovery Fund File 2010-00653, Yvonne Williams (Claimant) vs. Steven & Karen Stuart t/a Renovation Solutions (Regulant);** the board reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation.

**File Number**  
**2010-00653**  
**Yvonne Williams**  
**(Claimant) vs. Steven &**  
**Karen Stuart t/a**  
**Renovation Solutions**

**Tomlin** the Board's hearing officer was not present and did not participate.

After discussion a motion was made by **Ms. Wood** and seconded by **Mr. Sumpter** to remand this case to the April 2010 meeting. The motion passed by unanimous vote. Members voting "yes" were: **Redifer, Dyer, Rusher, Hart, Sumpter, Cronin, Smith, Kirby, Dowdy, Wood, Miller, Williams and Walton**.

**Tomlin was not present and did not vote.**

**The Board took a ten minute break at 11:10 AM. The Board reconvened its meeting at 11:20 AM.**

**Break and Reconvene**

**In the matter of License Application File Number 2009-02255, Johnathan Nation t/a Need A Plumber LLC,** the Board members reviewed the record, which consisted of the application file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference.

**File Number**  
**2009-02255**  
**Johnathan Nation t/a**  
**Need A Plumber LLC**

**Applicant Johnathan Nation t/a Need A Plumber LLC** appeared at the IFF and sent a hand out to the Board meeting. The Handout was given to the Board. The presiding Board representative **Ms. Brigil** was not present, did not participate in the discussion and did not vote.

After discussion **Ms. Wood** offered a motion that was seconded by **Mr. Williams** to adopt the recommendation contained in the Summary of the Informal Fact-Finding Conference and approve a license.

The motion passed by unanimous vote. Members voting “Yes” were: **Tomlin, Dyer, Rusher, Redifer, Cronin, Hart, Sumpter, Smith, Kirby, Dowdy, Wood, Miller, Williams and Walton.**

**In the matter of License Application File Number 2010-01113, Metal Solutions LLC.,** the Board members reviewed the record, which consisted of the application file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference.

**File Number**  
**2010-01113**  
**Metal Solutions LLC**

**Applicant Metal Solutions LLC** appeared at the IFF and did not attend the Board meeting.

The presiding Board representative **Ms. Brigil** was not present, did not participate in the discussion and did not vote.

After discussion **Mr. Hart** offered a motion that was seconded by **Mr. Sumpter** to adopt the recommendation contained in the Summary of the Informal Fact-Finding Conference and approve a license. The motion passed by unanimous vote. Members voting “Yes” were: **Tomlin, Dyer, Rusher, Redifer, Hart, Sumpter, Smith, Kirby, Dowdy, Cronin, Wood, Miller, Williams and Walton.**

**In the matter of License Application File Number 2010-01444, Marshall Pruitt t/a Pruitt Home Improvement,** the Board members reviewed the record, which consisted of the application file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference.

**File Number**  
**2010-01444**  
**Marshall Pruitt t/a**  
**Pruitt Home**  
**Improvement**

**Applicant Marshall Pruitt t/a Pruitt Home Improvement** appeared at the IFF. He did not attend the Board meeting.

The presiding Board representative **Ms. Brigil** was not present, did not participate in the discussion and did not vote.

After discussion **Mr. Walton** offered a motion that was seconded by **Mr. Sumpter** to adopt the recommendation contained in the Summary of the Informal Fact-Finding Conference and approve a conditional license.

The motion passed by majority vote. Members voting “Yes” were: **Tomlin, Dyer, Rusher, Redifer, Cronin, Sumpter, Smith, Kirby, Dowdy, Miller, Williams and Walton.** Members voting “no” were: **Wood and Hart.**

**In the matter of License Application File Number 2010-01445, ABC Konstruction LLC** the Board members reviewed the record, which consisted of the application file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference.

**File Number**  
**2010-01445**  
**ABC Konstruction LLC**

**Applicant ABC Konstruction LLC** appeared at the IFF. **William Kaiser for ABC Konstruction LLC** and the Board meeting.



The presiding Board representative **Ms. Brigil** was not present, did not participate in the discussion and did not vote.

After discussion, a motion was made by **Mr. Williams** and seconded by **Mrs. Wood** to adopt the recommendation contained in the Summary of the Informal Fact-Finding Conference and issue a conditional license.

The motion passed by unanimous vote. Members voting “Yes” were: **Tomlin, Sumpter, Dyer, Rusher, Hart, Smith, Miller, Dowdy, Kirby, Redifer, Cronin, Williams, Wood and Walton.**

**In the matter of License Application File Number 2010-01446**, the Board members reviewed the record, which consisted of the application file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference.

**File Number**  
**2010-01446**  
**William Jones**

**Applicant William Jones** did not appear at the Board meeting. He did attend the IFF.

The presiding Board representative **Ms. Brigil** was not present, did not participate in the discussion and did not vote.

After discussion, a motion was made by **Mr. Redifer** and seconded by **Mr. Sumpter** to adopt the recommendation contained in the Summary of the Informal Fact-Finding Conference and issue the license. The motion failed with a vote of 10 “no” and 4 “yes”. Members voting “yes” were **Redifer, Sumpter, Rusher and Cronin**. Members voting “no” were: **Wood, Tomlin, Walton, Miller, Kirby, Dyer, Dowdy, Smith, Williams and Hart.**

After further discussion, a motion was made by **Ms. Wood** and seconded by **Ms. Tomlin** to reject the recommendation and deny the license. After reviewing the facts, the nature and seriousness of the crimes committed by the applicant, The Board considered the relationship of those crimes to the purpose of requiring a license in consideration of §54.1-204 B 1; and in consideration of 54.1-204 B 9, that due to the insufficient evidence to demonstrate Jones’ rehabilitation or rehabilitative effort, the Board is of the opinion they could not protect the health, safety and welfare of the public; therefore, the Board voted to deny the license at this time. The motion passed by unanimous vote. Members voting “Yes” were: **Tomlin, Sumpter, Dyer, Rusher, Hart, Smith, Miller, Dowdy, Kirby, Redifer, Williams, Cronin, Wood and Walton.**

**In the matter of License Application File Number 2010-01793, Gateway Home Improvements, Inc**, the Board members reviewed the record, which consisted of the application file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference.

**File Number**  
**2010-01793**  
**Gateway Home**  
**Improvements, Inc.**

**Applicant Thomas William Smith for Gateway Home Improvements, Inc.** appeared at the IFF.

The presiding Board representative **Ms. Brigil** was not present, did not participate in the discussion and did not vote.

After discussion **Mr. Sumpter** offered a motion that was seconded by **Mr. Hart** to amend the recommendation contained in the Summary of the Informal Fact-Finding Conference (which was to deny) and approve a license with conditions. The license shall be on probation until Thomas William Smith successful complete the required course by November 30, 2010. The motion passed by majority vote. Members voting "Yes" were: **Dyer, Rusher, Redifer, Hart, Sumpter, Dowdy, Miller, Cronin, Kirby, Wood and Walton.**

**Tomlin, Williams and Smith** voted "No."

**In the matter of License Application File Number 2010-01794, Mark Enright t/a Enright Title Contractor**, the Board members reviewed the record, which consisted of the application file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference.

**File Number**  
**2010-01794**  
**Mark Enright t/a**  
**Enright Title Contractor**

**Applicant Jackie Smallwood** appeared at the IFF and the Board meeting. He addressed the Board. He shared his agreement with the Recommendation. The presiding Board representative **Ms. Brigil** was not present, did not participate in the discussion and did not vote.

After discussion **Mr. Rusher** offered a motion that was seconded by **Ms. Wood** to adopt the recommendation contained in the Summary of the Informal Fact-Finding Conference and approve a license.

The motion passed by unanimous vote. Members voting "Yes" were: **Tomlin, Dyer, Rusher, Redifer, Hart, Sumpter, Cronin, Smith, Kirby, Dowdy, Wood, Miller, Williams and Walton.**

**In the matter of License Application File Number 2010-01985, Christopher Pace**, the Board members reviewed the record, which consisted of the application file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference.

**File Number**  
**2010-01795**  
**Christopher Pace**

**Applicant Christopher Pace and wife Nichole Pace** appeared at the IFF and the Board meeting. He addressed the Board. He shared his disagreement with the Recommendation. Mrs. Pace also addressed the Board.

The presiding Board representative **Ms. Brigil** was not present, did not participate in the discussion and did not vote.

During discussion Williams and Cronin expressed concerns about allowing the applicant to test for licensure. There was discussion about the possibility of a conditional license. After discussion **Mr. Hart** offered a motion to adopt the recommendation contained in the Summary of the Informal Fact-Finding Conference and approve a license. The motion failed due to lack of a second. After further

discussion **Mr. Williams** offered a motion that was seconded by **Mr. Redifer** to grant permission to test and then pending results a conditional license with applicant being successfully enrolled in a drug rehab program for two years. Applicant must comply with terms of the conditional license and report in to the Board every 6 months or the license would then be revoked. The motion passed by unanimous vote. Members voting "Yes" were: **Tomlin, Dyer, Rusher, Redifer, Cronin, Sumpter, Smith, Kirby, Dowdy, Wood, Miller, Williams and Walton.**

**Hart voted no.**

The motion passed 13 yes and 1 no.

**In the matter of License Application File Number 2010-01796, Thomas Crabtree t/a Dominion Flooring** the Board members reviewed the record, which consisted of the application file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference.

**File Number**  
**2010-01796**

**Thomas Crabtree t/a  
Dominion Flooring**

**Applicant Thomas Crabtree** appeared at the IFF. He did not attend the Board meeting.

The presiding Board representative **Ms. Brigil** was not present, did not participate in the discussion and did not vote.

After discussion **Ms. Wood** offered a motion that was seconded by **Mr. Walton** to amend the recommendation contained in the Summary of the Informal Fact-Finding Conference and deny a license. After reviewing the facts the Board determined that not enough time has elapsed since the crime was committed. The motion passed by unanimous vote. Members voting "Yes" were: **Tomlin, Dyer, Rusher, Redifer, Hart, Sumpter, Smith, Kirby, Dowdy, Cronin, Wood, Miller, Williams and Walton.**

**In the matter of License Application File Number 2010-01798, Robert Wayne Riggins,** the Board members reviewed the record, which consisted of the application file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference.

**File Number**  
**2010-01798**

**Robert Wayne Riggins**

**Applicant Robert Wayne Riggins** appeared at the IFF. He also attended the Board meeting and addressed the Board and shared his agreement.

The presiding Board representative **Ms. Brigil** was not present, did not participate in the discussion and did not vote.

After discussion **Mrs. Wood** offered a motion that was seconded by **Mr. Williams** to adopt the recommendation contained in the Summary of the Informal Fact-Finding Conference and approve a license.

The motion passed by unanimous vote. Members voting "Yes" were: **Tomlin, Dyer,**

**Rusher, Redifer, Hart, Sumpter, Cronin, Smith, Kirby, Dowdy, Wood, Miller, Williams and Walton.**

**In the matter of License Application File Number 2010-01797, Bryan Summers,** the Board members reviewed the record, which consisted of the application file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference.

**File Number  
2010-01797  
Skyline Cabinets, Inc. t/a  
Blue Ridge Cabinets**

**Applicant Skyline Cabinets, Inc. t/a Blue Ridge Cabinets** appeared at the IFF. They did not attend the Board meeting.

The presiding Board representative **Ms. Brigil** was not present, did not participate in the discussion and did not vote.

After discussion **Mrs. Wood** offered a motion that was seconded by **Mr. Sumpter** to adopt the recommendation contained in the Summary of the Informal Fact-Finding Conference and approve the license.

The motion passed by unanimous vote. Members voting “Yes” were: **Tomlin, Dyer, Rusher, Redifer, Hart, Sumpter, Cronin, Smith, Kirby, Dowdy, Wood, Miller, Williams and Walton.**

**In the matter of License Application File Number 2010-01797, Freedom Elevator LLC,** the Board members reviewed the record, which consisted of the application file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference.

**File Number  
2010-01800  
Freedom Elevator LLC**

**Freedom Elevator LLC** appeared at the IFF. **Craig Robinson for Freedom Elevator LLC** attended the Board meeting. He addressed the Board.

The presiding Board representative **Ms. Brigil** was not present, did not participate in the discussion and did not vote.

Mrs. Perkins shared with the Board that a correction needed to be noted in the Summary. Background Information, third paragraph, board regulation cited s/b 18 VAC 50-22-50 F and not 52.

After discussion **Mrs. Wood** offered a motion that was seconded by **Mr. Sumpter** to adopt the recommendation contained in the Summary of the Informal Fact-Finding Conference and approve the license.

The motion passed by unanimous vote. Members voting “Yes” were: **Tomlin, Dyer, Rusher, Redifer, Hart, Sumpter, Cronin, Smith, Kirby, Dowdy, Wood, Miller, Williams and Walton.**

**In the matter of Disciplinary File Number 2009-02131, Apple I Enterprises, Inc, (Respondent);** the board reviewed the record, which consisted of the investigative file, transcript, exhibits from the Informal Fact-Finding Conference, and the Summary and recommendation.

**File Number  
2009-02131  
Apple I Enterprises, Inc.**

**Apple I Enterprises, Inc (Respondent)** did appear at the IFF. Kristen and Lance Fitzwaters did appear at the Board meeting on behalf of Apple I Enterprises, Inc

The presiding Board representatives **Mr. Kinser and Mrs. Tomlin** were not present, did not participate in the discussion and did not vote. **Mr. Hart** recused himself.

After discussion, a motion was made by **Ms Wood** and seconded by **Mr. Williams** to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and adopt the Summary of the Informal Fact-Finding Conference with Recommendations and noted correction. The Board found that **Apple I Enterprises, Inc**, violated the following sections of its Regulations:

Effective February 1, 2006		
Count 1:	18 VAC 50-22-260 B 9	
Count 2:	18 VAC 50-22-260 B 31	Effective September 1, 2001
Count 3:	18 VAC 50-22-260.B.6	
Count 4:	18 VAC 50-22-260.B.5	
Count 5:	18 VAC 50-22-260.B.6	

The motion passed by unanimous vote. Members voting “yes” were: **Cronin, Dyer, Rusher, Redifer, Hart, Sumpter, Smith, Kirby, Dowdy, Wood, Miller, Williams and Walton.**

**Kinser and Tomlin were not present and did not vote.**

The Board voted to impose no monetary penalty for the violation of the regulation.

Sanctions		
Count 1:		\$800.00
Count 2:		\$2,000.00
Count 3:		\$350.00
Count 4:		\$2,000.00
Count 5:		\$1,500.00
Total		\$6,650.00

In addition, for violation of Count 1, Count 2, Count 3 and Count 4, the Board voted to require Apple I Enterprises Inc have a member of Responsible Management successfully complete a Board-approved remedial education class within 90 (ninety)days of the effective date of this order. Failure to comply with the terms will result in the automatic imposition of license suspension.

The motion passed by unanimous vote. Members voting “yes” were: **Cronin, Dyer, Rusher, Redifer, Hart, Sumpter, Smith, Kirby, Dowdy, Wood, Miller, Williams**

**and Walton.**

**Kinser and Tomlin were not present and did not vote.**

**In the matter of Disciplinary File Number 2009-02515, Patriot Custom Builders LLC (Respondent);** the board reviewed the record, which consisted of the application file, transcript, exhibits from the IFF, and the Summary of the Informal Fact-Finding Conference and the recommendation.

**File Number  
2009-02515  
Patriot Custom Builders  
LLC**

**Patriot Custom Builders LLC (Respondent)** attended the Board meeting. **Patriot Custom Builders LLC (Complainant)** did not attend the Board meeting.

The Board's hearing representatives; **Mr. Kinser and Ms. Tomlin** were not present and did not vote.

After discussion, a motion was made by **Mr. Redifer** and seconded by **Mr. Williams** to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and adopt the Summary of the Informal Fact-Finding Conference amending the Recommendations to add revocation of license to Count 2 in order to be consistent with previous Board action. The Board found that **Patriot Custom Builders LLC**, violated the following sections of its Regulations:

Effective September 1, 2001		
Count 1:	18 VAC 50-22-260 B 29	Two violations
Count 2:	18 VAC 50-22-260 B 6	Three violations
Count 3:	18 VAC 50-22-260 B 15	
Count 4:	18 VAC 50-22-260 B 28	February 1, 2006
Count 5:	18 VAC 50-22-260.B.13	
Count 6:	18 VAC 50-22-260.B.13	

The motion passed by majority vote. Members voting "yes" were: **Cronin, Dyer, Rusher, Redifer, Hart, Sumpter, Smith, Wood, Kirby, Miller, and Williams.**

**Walton** voted "no".

**Kinser and Tomlin were not present and did not vote.**

The presiding Board representative **Mrs Tomlin and Mr. Kinser** was not present, did not participate in the discussion and did not vote. After discussion, a motion was made by **Mr. Redifer** and seconded by **Mr. Williams** to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and adopt the Summary of the Informal Fact-Finding Conference with Recommendations. The Board found that **Patriot Custom Builders LLC** violated sections of its Regulations:

Sanctions		
Count 1:		\$1,000.00
Count 2:		\$2,500.00
Count 3:		\$2,500.00
Count 4:		\$1,500.00
Count 5:		\$1,000.00
Count 6:		\$1,000.00
Total		\$9,500.00
The Board also imposes revocation of license for the violation of Counts 1 and Count 4 and 5 and 6.		

The motion passed by unanimous vote. Members voting “yes” were: **Cronin, Dyer, Rusher, Redifer, Hart, Kirby, Dowdy, Sumpter, Smith, Wood, Miller, Williams and Walton.**

**Kinser and Tomlin were not present and did not vote.**

**In the matter of Disciplinary File Number 2009-04054 Mawyer Enterprises Inc (Respondent);** the board reviewed the record, which consisted of the application file, transcript, exhibits from the IFF, and the Summary of the Informal Fact-Finding Conference and the recommendation.

**File Number  
2009-04054  
Mawyer Enterprises Inc**

**Ralph and Shannon Mawyer, for Mawyer Enterprises Inc (Respondent)** did appear at the Board meeting in person. They addressed the Board and shared their disagreement. The presiding Board representatives **Mr. Kinser and Ms. Tomlin** were not present, did not participate in the discussion and did not vote.

After discussion, a motion was made by **Ms. Wood** and seconded by **Mr. Sumpter** to remand the case back to staff for an Informal Fact Finding Conference.

The motion passed by majority vote. Members voting “yes” were: **Dyer, Rusher, Hart, Sumpter, Smith, Wood and Williams.**

**Members voting “no” were: Kirby, Redifer, Walton and Miller.**

**Tomlin and Kinser were not present and did not vote.**

**In the matter of Disciplinary File Number 2009-04366, Nelson Homes Inc (Respondent);** the board reviewed the record, which consisted of the application file, transcript, exhibits from the IFF, and the Summary of the Informal Fact-Finding Conference and the recommendation. **Troy Boyer, (Complainant)** attended the Board Meeting. He addressed the Board. **Rob Rutherford** on behalf of **Nelson Homes, Inc (Respondent)** appeared at the IFF. **Nelson Homes, Inc** did not appear at the Board meeting in person or by counsel or by any other qualified representative.

**File Number  
2009-04366  
Nelson Homes, Inc.**

The presiding Board representative **Mr. Kinser and Ms. Tomlin** were not present, did not participate in the discussion and did not vote.

After discussion, a motion was made by **Mr. Redifer** and seconded by **Mr. Sumpter** to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and adopt the Summary of the Informal Fact-Finding Conference with amended Recommendations to add Remedial Education to both counts. The Board found that **Nelson Homes Inc.** violated the following sections of its Regulations:

Effective February 1, 2006
Count 1: 18 VAC 50-22-260 B 29
Count 2: 18 VAC 50-22-260.B 31

The motion passed by unanimous vote. Members voting “yes” were: **Dowdy, Rusher, Cronin, Kirby, Dyer, Redifer, Hart, Sumpter, Smith, Wood, Miller, Williams and Walton.**

**Tomlin and Kinser were not present and did not vote.**

After discussion a motion was made by **Mr. Sumpter** and seconded by **Mr. Redifer** to impose the following sanctions.

Count 1:	\$600.00	\$600.00
Count 2:	\$1,000.00	\$1,000.00
Total		\$1,600.00
In addition, for violation of <b>Count 1 and two</b> , the Board imposed successful completion of a Board approved Remedial Education class.		

The motion passed by unanimous vote. Members voting “yes” were: **Cronin, Dowdy, Rusher, Kirby, Dyer, Redifer, Hart, Sumpter, Smith, Wood, Miller, Williams and Walton.**

**Tomlin and Kinser were not present and did not vote.**

**In the matter of Disciplinary File Number 2010-01552, Scott Gardner, t/a G2 Remodeling (Respondent);** the board reviewed the record, which consisted of the application file, transcript, exhibits from the IFF, and the Summary of the Informal Fact-Finding Conference and the recommendation. **Scott Gardner, t/a G2 Remodeling (Respondent) did not** appear at the IFF and did not appear at the Board meeting in person or by counsel or by any other qualified representative.

**File Number**  
**2010-01552**  
**Scott Gardner, t/a G2**  
**Remodeling**



The presiding Board representative **Mr. Kinser and Ms. Tomlin** were not present, did not participate in the discussion and did not vote.

After discussion, a motion was made by **Mr. Williams** and seconded by **Mr. Hart** to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and adopt the Summary of the Informal Fact-Finding Conference with Recommendations. The Board found that **Scott Gardner t/a G2 Remodeling** violated the following sections of its Regulations:

Effective February 1, 2006		
Count 1:	18 VAC 50-22-260.B 13	

The motion passed by unanimous vote. Members voting “yes” were: **Dyer, Rusher, Redifer, Hart, Cronin, Kirby, Dowdy, Sumpter, Smith, Wood, Miller, Williams and Walton.**

**Tomlin and Kinser were not present and did not vote.**

After discussion a motion was made by **Mr. Williams** and seconded by **Mr. Hart** to impose the following monetary sanctions:

Count 1:	\$1,500.00	
Total		\$1,500.00
In addition, for violation of <b>Count 1</b> , the Board imposes license revocation.		

The motion passed by majority vote. Members voting “yes” were: **Kirby, Dowdy, Cronin, Dyer, Rusher, Redifer, Hart, Sumpter, Smith, Wood, Miller, Williams and Walton.**

**Tomlin and Kinser were not present and did not vote.**

**In the matter of Disciplinary File Number 2009-02205, Reliable Commercial Builders LLC (Respondent);** the board reviewed the record, which consisted of the application file, transcript, exhibits from the IFF, and the Summary of the Informal Fact-Finding Conference and the recommendation. **Reliable Commercial Builders LLC (Respondent)** did appear at the IFF. **Neither Reliable Commercial Builders LLC**, legal counsel nor any other qualified representative attended the Board meeting. The presiding Board representatives. **Matthew Richards, (Complainant)** attended the IFF but not the Board meeting.

**File Number**  
**2009-02205**  
**Reliable Commercial**  
**Builders LLC**

**Redifer, Dyer and Tomlin** were not present, did not participate in the discussion and did not vote.

After discussion, a motion was made by **Mrs. Wood** and seconded by **Mr. Hart** to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and adopt the Summary of the Informal Fact-Finding Conference with Recommendations. The Board found that **Reliable Commercial Builders LLC**, violated the following sections of its Regulations:

Effective September 1, 2001		
Count 1:	18 VAC 50-22-260.B 31	
Count 2:	18 VAC 50-22-260 B 16	

The motion passed by unanimous vote. Members voting "yes" were: **Rusher, Cronin, Hart, Sumpter, Smith, Dowdy, Wood, Miller, Williams and Walton.**

**Redifer, Kirby and Dyer were not present and did not vote.**

After discussion a motion was made by **Mrs. Wood** and seconded by **Mr. Hart** to impose the following sanctions:

Count 1	\$400.00	
Count 2	\$750.00	
Total		\$1,150.00

In addition, for violation of Count 1 and 2, the Board requires **Reliable Commercial Builders, LLC** to have a member of management successfully complete a Board approved Remedial Education Class within 90 days of the order.

The motion passed by unanimous vote. Members voting "yes" were: **Rusher, Cronin, Kirby, Dowdy, Hart, Sumpter, Smith, Wood, Miller, Williams and Walton.**

**Redifer, Dyer and Tomlin were not present and did not vote.**

**In the matter of Disciplinary File Number 2010-00250, Kyung Soon Suh t/a Goldenboy Handyman Service (Respondent);** the board reviewed the record, which consisted of the application file, transcript, exhibits from the IFF, and the Summary of the Informal Fact-Finding Conference and the recommendation. **Kyung Soon Suh t/a Goldenboy Handyman Service (Respondent)** did appear at the IFF. **Kyung Soon Suh t/a Goldenboy Handyman Service** did not appear at the Board meeting in person or by counsel or by any other qualified representative.

**File Number**  
**2010-00250**

**Kyung Soon Suh t/a**  
**Goldenboy Handyman**  
**Service**

The presiding Board representatives **Tomlin, Redifer and Walton** were not present, did not participate in the discussion and did not vote.

After discussion, a motion was made by **Mr. Wood** and seconded by **Mr. Sumpter** to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and adopt the Summary of the Informal Fact-Finding Conference with Recommendations. The Board found that **Kyung Soon Suh** violated the following of its Regulations.

Count 1:	§54.1-1110	

The motion passed by majority vote. Members voting "yes" were: **Cronin, Kirby, Dowdy, Rusher, Redifer, Hart, Sumpter, Smith, Wood and Miller.**

**Williams** voted no.

**Redifer, Dyer and Walton were not present and did not vote.**

After further discussion, a motion was made by **Mrs. Wood** and seconded by **Mr. Sumpter** to impose the following sanctions:

The Board imposed license suspension for the violation of Count 1. See order for additional information
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The motion passed unanimously. Members voting "yes" were: **Cronin, Kirby, Dowdy, Rusher, Redifer, Hart, Sumpter, Smith, Williams, Wood and Miller.**

**Redifer, Dyer and Walton were not present and did not vote.**

**In the matter of Disciplinary File Number 2010-00625 Joseph Baker t/a Baker Construction (Respondent);** the board reviewed the record, which consisted of the application file, transcript, exhibits from the IFF, and the Summary of the Informal Fact-Finding Conference and the recommendation. **Joseph Baker t/a Baker Construction (Respondent);** did not appear at the IFF. **Joseph Baker and Kimberly Baker** attended the Board meeting. They addressed the Board.

**File Number**  
**2010-00625**  
**Joseph Baker t/a Baker**  
**Construction**

The presiding Board representatives **Redifer and Dyer** were not present and did not vote.

**Ms. Perkins** shared that the Respondent had two priors.

After discussion, a motion was made by **Mrs. Wood** and seconded by **Mr. Sumpter** to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and adopt the Summary of the Informal Fact-Finding Conference with Recommendations. The Board found that **Joseph Baker t/a Baker**

**Construction**, violated the following sections of its Regulations:

Effective September 1, 2001		
Count 1:	18 VAC 50-22-260.B 22	(seven violations)
Count 2:	18 VAC 50-22-260 B 23	February 1, 2006
Count 3:	18 VAC 50-22-260.B.2	

The motion passed by unanimous vote. Members voting “yes” were: **Rusher, Kirby, Cronin, Hart, Sumpter, Smith, Dowdy, Wood, Miller, Tomlin, Williams and Walton.**

**Redifer and Dyer were not present and did not vote.**

After discussion a motion was made by **Mr. Cronin** and seconded by **Mr. Smith** to impose the following sanctions:

In addition, for violation of Count 2 and 3, the Board voted to require **Joseph E Baker** to have a member of responsible management successfully complete a Board approved Remedial Education Class within 90 days of the order. Suspension of license for a period of thirty (30) days from the effective date of the Order. As to Count 1, the Board voted to impose no penalty for the violation of the regulation.

The motion passed by unanimous vote. Members voting “yes” were: **Rusher, Cronin, Kirby, Dowdy, Hart, Sumpter, Smith, Wood, Miller, Tomlin, Williams and Walton.**

**Redifer and Dyer were not present and did not vote.**

**In the matter of Disciplinary File Number 2009-03539 Donald Page t/a Tech/Wood (Respondent);** the board reviewed the record, which consisted of the application file, transcript, exhibits from the IFF, and the Summary of the Informal Fact-Finding Conference and the recommendation. **Donald Page t/a Tech/Wood (Respondent)** did not appear at the IFF. He did not attend the Board meeting in person or by counsel or by any other qualified person.

**File Number**  
**2009-03539**  
**Donald Page t/a**  
**Tech/Wood**

The presiding Board representatives **Mr. Redifer and Mr. Dyer** was not present, did not participate in the discussion and did not vote.

**Henry and Marina Galindo (Complainants)** appeared at the Board meeting. They addressed the Board.

Mrs. Perkins shared with the Board that priors existed.

After discussion Mr. Williams offered a motion to add revocation due to the level of misconduct and because of the priors. The motion failed due to lack of a second.

After further discussion, a motion was made by **Ms. Wood** and seconded by **Mr. Sumpter** to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and adopt the Summary of the Informal Fact-Finding Conference with Recommendations. The Board found that **Donald C. Payne** violated the following sections of its Regulations:

Effective September 1, 2001		
Count 1:	18 VAC 50-22-260 B31	
Count 2:	18 VAC 50-22-260.B 6	

The motion passed by unanimous vote. Members voting “yes” were: **Tomlin, Cronin, Kirby, Dowdy, Rusher, Hart, Sumpter, Smith, Wood, Miller, Williams and Walton.**

**Redifer and Dyer were not present and did not vote.**

After discussion a motion was made by **Mrs. Wood** and seconded by **Mr. Sumpter** to impose the following sanctions:

Count 1:	\$250.00
Count 2:	\$500.00
Total	\$750.00
In addition, for violation of Count 1 and 2, the Board voted to require <b>Donald C Page</b> have a member of Responsible Management successfully complete a Board-approved remedial education class within 90 days of the order.	

The motion passed by unanimous vote. Members voting “yes” were: **Tomlin, Rusher, Kirby, Dowdy, Cronin, Hart, Sumpter, Smith, Wood, Miller, Williams and Walton.**

**Redifer and Dyer were not present and did not vote.**

**In the matter of Disciplinary File Number 2009-04033, Frye Home Improvement & Fencing, Inc. (Respondent);** the board reviewed the record, which consisted of the application file, transcript, exhibits from the IFF, and the Summary of the Informal Fact-Finding Conference and the recommendation. **Frye Home Improvement& Fencing, Inc.(Respondent)** did appear at the IFF. **They** did not appear at the Board meeting in person or by counsel or by any other qualified representative.

**File Number**  
**2009-04033**  
**Frye Home**  
**Improvement & Fencing**  
**, Inc.**

The presiding Board representatives **Mr. Rusher and Mr. Dyer** were not present, did not participate in the discussion and did not vote.

After discussion, a motion was made by **Mr. Sumpter** and seconded by **Mr. Hart** to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and adopt the Summary of the Informal Fact-Finding Conference with Recommendations for a finding of no violation.

The motion passed by unanimous vote. Members voting “yes” were: **Tomlin, Cronin, Kirby, Rusher, Hart, Sumpter, Smith, Dowdy, Miller, Williams and Walton.**

**Redifer and Dyer were not present and did not vote.**

**In the matter of Disciplinary File Number 2009-03198, Christopher Atkins t/a ADCO Construction (Respondent);** the board reviewed the record, which consisted of the application file, transcript, exhibits from the IFF, and the Summary of the Informal Fact-Finding Conference and the recommendation.

**File Number  
2009-03198  
Christopher Atkins t/a  
ADCO Construction**

**Christopher Atkins** attended the Informal Fact Finding Conference and the Board meeting. He addressed the Board and shared his disagreement.

The presiding Board representatives **Mr. Rusher and Mr. Redifer** were not present, did not participate in the discussion and did not vote.

After discussion, a motion was made by **Mr. Dyer** seconded by, **Mr. Sumpter** and amended by **Mr. Williams** and seconded by **Mr. Sumpter** to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and adopt the Summary of the Informal Fact-Finding Conference with amended Recommendations to also put license on probation until judgments are satisfied. The Board found that **Christopher Atkins** violated the following sections of its Regulations:

Effective September 1, 2001		
Count 1:	18 VAC 50-22-260.B 15	
Count 2:	18 VAC 50-22-260.B 31	
Count 3:	18 VAC 50-22-260 B 17	

**The motion passed by majority vote. Members voting “yes” were: Tomlin, Dyer, Dowdy, Cronin, Hart, Sumpter, Smith, Wood, Miller, Williams and Walton.**

**Kirby voted “no”.**

**Rusher and Redifer were not present and did not vote.**

**Mrs. Perkins** shared that priors exist.

After discussion, a motion was made by **Mr. Sumpter** and seconded by **Mr. Walton**

to impose the following sanctions:

Count 1:	\$2,000.00	
Count 2:	\$400.00	
Count 3:	\$1,500.00	
Total		\$3,900.00
In addition, for violation of Count 1, the Board voted to require <b>Christopher M Atkins</b> have a member of Responsible Management successfully complete a Board-approved remedial education class within 90 days of the order. License placed on probation; see order for additional details.		

The motion passed by majority vote. Members voting “yes” were: **Tomlin, Dyer, Kirby, Dowdy, Hart, Sumpter, Smith, Wood, Miller, Williams and Walton.**

**Cronin opposed and voted “no”.**

**Rusher and Redifer were not present and did not vote.**

The motion passed by unanimous vote. Members voting “yes” were: **Tomlin, Dyer, Dowdy, Kirby, Hart, Sumpter, Smith, Wood, Miller, Williams and Walton.**

**Cronin was absent. Rusher and Redifer were not present and did not vote.**

**In the matter of Disciplinary File Number 2009-03016, A Cut Above Lawn Service (Respondent);** the board reviewed the record, which consisted of the application file, transcript, exhibits from the IFF, and the Summary of the Informal Fact-Finding Conference and the recommendation.

**File Number**  
**2009-03016**  
**A Cut Above Lawn**  
**Service**

**A Cut Above Lawn Service (Respondent)** did not attend the Informal Fact Finding Conference. **A Cut Above Lawn Service** did not appear at the Board meeting in person or by counsel or by any other qualified representative. **Wayne R Berry (Complainant)** attended the Informal Fact Finding Conference.

The presiding Board representatives **Ms. Wall** was not present, did not participate in the discussion and did not vote.

A handout for this case was distributed to the Members of the Board.

After discussion, a motion was made by **Ms. Wood** seconded by, **Mr. Sumpter** to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and adopt the Summary of the Informal Fact-Finding Conference with amended Recommendations. The Board found that **A Cut Above Lawn Service** violated the following sections of its Regulations:

Effective September 1, 2001		
Count 1:	18 VAC 50-22-260.B 27	
Count 2:	18 VAC 50-22-260.B 29	
Count 3:	18 VAC 50-22-260 B 6 (five violations)	February 1, 2006
Count 4:	18 VAC 50-22-260.B.6	
Count 5:	18 VAC 50-22-260 B 31	
Count 6:	18 VAC 50-22-260.B.11	February 1, 2006
Count 7:	18 VAC 50-22-260.B.28	February 1, 2006

**The motion passed by unanimous vote. Members voting “yes” were: Tomlin, Dyer, Kirby, Dowdy, Redifer, Rusher, Cronin, Hart, Sumpter, Smith, Wood, Miller, Williams and Walton.**

After discussion, a motion was made by **Mr. Sumpter** and seconded by **Ms. Wood** to impose the following sanctions:

Count 1:	\$650.00	
Count 2:	\$600.00	
Count 3:	\$4,250.00	
Count 4:	\$1,000.00	
Count 5:	\$400.00	
Count 6:	\$350.00	
Count 7:	\$1,900.00	
Total		\$9,150.00

In addition, for violation of Count 1 and Count 6, the Board voted to require **A Cut Above Lawn Service** have a member of Responsible Management successfully complete a Board-approved remedial education class within 90 days of the order. The Board also imposed revocation of license 2705-094218 for violation of Count 2, 3 and 4.

The motion passed by unanimous vote. Members voting “yes” were: **Tomlin, Dyer, Kirby, Dowdy, Redifer, Hart, Sumpter, Smith, Rusher, Cronin, Wood, Miller, Williams and Walton.**

**In the matter of Disciplinary File Number 2009-04309, Red Hawk Remodeling & Construction LLC (Respondent);** the Board reviewed the record, which consisted of the application file, transcript, exhibits from the IFF, and the Summary of the Informal Fact-Finding Conference and the recommendation. **John Flamish** on behalf of **Red Hawk Remodeling & Construction LLC (Respondent)** did appear at the IFF. **Red Hawk Remodeling & Construction LLC** did not attend the Board meeting in person or by counsel or by any other qualified representative.

**File Number**  
**2009-04309**  
**Red Hawk Remodeling**  
**& Construction LLC**

The presiding Board representative **Ms. Wall** was not present and did not participate



and did not vote.

**Mrs. Perkins noted:** in the summary, the 5<sup>th</sup> paragraph and the 3<sup>rd</sup> sentence should read “The...certified mail was returned marked-return to sender – unclaimed-unable to forward-return to sender.” It should not read (that it was delivered).

After discussion a motion was made by **Mr. Williams** and seconded by **Mr. Redifer** to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and adopt the Summary of the Informal Fact-Finding Conference noting the information provided by Mrs. Perkins with Recommendations. The Board found substantial evidence that **Red Hawk Remodeling & Construction LLC** violated the following sections of its Regulations:

Effective February 1, 2006		
Count 2:	18 VAC 50-22-260.B 28	

**The motion passed by unanimous vote. Members voting “yes” were: Tomlin, Dyer, Kirby, Dowdy, Rusher, Hart, Sumpter, Williams, Redifer, Smith, Cronin, Wood, Miller and Walton.**

After discussion, a motion was made by **Mr. Williams** and seconded by **Mr. Redifer** to impose the following sanctions:

Count 2:	\$1,900.00	February 1, 2006
Total		\$1,900.00
In addition, for violation of Count 2, the Board voted to revoke license 2705-099987. As to count 1 and 3, the Board closes this aspect of the file with a finding of no violation.		

The motion passed by unanimous vote. Members voting “yes” were: **Tomlin, Dyer, Kirby, Dowdy, Rusher, Hart, Sumpter, Williams, Smith, Cronin, Redifer, Wood, Miller and Walton.**

**In the matter of Disciplinary File Number 2009-00415, A to Z Contracting, Co. (Respondent);** the board reviewed the record, which consisted of the application file, transcript, exhibits from the IFF, and the Summary of the Informal Fact-Finding Conference and the recommendation.

**File Number**  
**2009-00415**  
**A to Z Contracting, Co.**

The presiding Board representatives **Ms. Wall and Mr. Redifer** were not present, did not participate in the discussion and did not vote.

After discussion, a motion was made by **Mr. Williams** and seconded by **Mr. Rusher** to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and adopt the Summary of the Informal Fact-Finding Conference with a finding of no violation of its Regulations:

The motion passed by unanimous vote. Members voting “yes” were: **Tomlin, Dyer,**

**Kirby, Dowdy, Rusher, Cronin, Smith Hart, Sumpter, Wood, Miller, Williams and Walton.**

**Redifer was not present and did not vote.**

**In the matter of Disciplinary File Number 2010-00128, United Land & Marine Services Inc, t/a United Land & Marine Services Inc (Respondent);** the board reviewed the record, which consisted of the application file, transcript, exhibits from the IFF, and the Summary of the Informal Fact-Finding Conference and the recommendation. **John H Gulledge on behalf of United Land & Marine Services, Inc., t/a United Land & Marine Services, Inc. (Respondent),** did appear at the Informal Fact Finding Conference but not at the Board meeting. .

**File Number**  
**2010-00128**

**United Land & Marine Services Inc, t/a United Land & Marine Services Inc**

The presiding Board representatives **Ms. Wall and Mr. Walton** were not present, did not participate in the discussion and did not vote.

After discussion, a motion was made by **Mr. Dyer** and seconded by **Mr. Hart** to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and adopt the Summary of the Informal Fact-Finding Conference with Recommendations. The Board found that **United Land & Marine Services Inc** violated the following sections of its Regulations:

Effective February 1, 2006		
Count 1:	18 VAC 50-22-260.B 13	

**The motion passed by unanimous vote. Members voting “yes” were: Tomlin, Dyer, Kirby, Dowdy, Redifer, Hart, Sumpter, Smith, Wood, Miller, Rusher, Williams and Cronin.**

**Walton was not present and did not vote.**

After discussion, a motion was made by **Mr. Hart** and seconded by **Mr. Dyer** to impose the following sanctions:

Count 1:	\$1,350.00	Revocation of license
Total		\$1,350.00
The Board also imposed revocation of license 2705-025000 for violation of its regulations.		

The motion passed by unanimous vote. Members voting “yes” were: **Tomlin, Dyer, Kirby, Dowdy, Redifer, Cronin, Hart, Sumpter, Smith, Wood, Miller, Williams and Rusher.**

**Walton was not present and did not vote.**

**In the matter of Consent Order File Number 2008-03329 Board v. Norman H Landis and Renay B Landis, t/a Inside Out Construction;** the Board reviewed the Consent Order. Incorporated in the Consent Order is the Report of Findings, which contains the facts regarding the regulatory and/or statutory issues in this matter.

As the Board representative, **Ms. Wood** was not present and did not participate and did not vote.

**Norman H Landis and Renay B Landis, t/a Inside Out Construction,** acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board:

Count 1:	18 VAC 50-22-260 B 9	\$0.00
Count 2:	18 VAC 50-22-260 B 16	\$0.00
Board Costs		\$0.00
Total		\$0.00
In addition, <b>Norman H Landis and Renay B Landis</b> agrees to revocation of license 2705-041871.		

Upon a motion by **Mr. Williams** seconded by **Mr. Rusher** the board ratified the consent order with an unanimous vote: Members voting "Yes" were: **Sumpter, Dyer, Rusher, Hart, Smith, Miller, Dowdy, Tomlin, Redifer, Kirby, Williams, Cronin and Walton.**

**Wood was absent.**

**In the matter of Consent Order File Number 2009-03367 Board v. Egglestons LLC, t/a Eggleston Carpentry & Remodeling;** the Board reviewed the Consent Order. Incorporated in the Consent Order is the Report of Findings, which contains the facts regarding the regulatory and/or statutory issues in this matter.

**Egglestons LLC t/a Eggleston Carpentry & Remodeling,** acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board:

Count 1:	18 VAC 50-22-230 A	\$350.00
Board Costs		\$150.00
Total		\$500.00
Further, <b>Egglestons LLC</b> agrees to have a member of Responsible Management successfully complete a Board-approved remedial education class.		

Upon a motion by **Mr. Rusher** seconded by **Mr. Williams** the board ratified the consent order with an unanimous vote: Members voting "Yes" were: **Sumpter,**

**File Number**

**2008-03329**

**Norman H Landis and  
Renay B Landis, t/a  
Inside Out Construction**

**File Number**

**2009-03367**

**Egglestons LLC t/a  
Eggleston Carpentry &  
Remodeling**

**Dyer, Rusher, Hart, Smith, Cronin, Miller, Dowdy, Tomlin, Kirby, Redifer, Williams, Wood and Walton.**

**In the matter of Consent Order File Number 2009-02932 Board v. Sam E Chupp, t/a Mt View Log Homes** Report of Findings that contains the facts regarding the regulatory and/or statutory issues in this matter.

**File Number**

**2009-02932**

**Sam E Chupp, t/a Mt View Log Homes**

**Sam E Chupp, t/a Mt View Log Homes**, acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board:

Count 1:	18 VAC 50-22-260 B 8	\$350.00
Count 2:	18 VAC 50-22-260.B 27	\$650.00
Count 3:	18 VAC 50-22-260 B 6	\$800..00
Board Costs		\$150.00
Total		\$1,150.00

Further, **Sam E Chupp** agrees to have a member of Responsible Management successfully complete a Board-approved remedial education class within 90 days of the order. In addition, for violation of Count 2, Sam E Chupp agrees to revocation of his license.

Upon a motion by **Mr. Rusher** seconded by **Mr. Williams** the board ratified the consent order with a unanimous vote: Members voting "Yes" were: **Sumpter, Dyer, Rusher, Hart, Smith, Miller, Dowdy, Kirby, Cronin, Redifer, Tomlin, Wood, Williams and Walton.**

**In the matter of Consent Order File Number 2009-03514 Board v. Superior Home Builders Inc, t/a Superior Home Builders Inc** the Board reviewed the Consent Order. Incorporated in the Consent Order is the Report of Findings, which contains the facts regarding the regulatory and/or statutory issues in this matter.

**File Number**

**2009-03514**

**Superior Home Builders Inc, t/a Superior Home Builders Inc**

**Superior Home Builders Inc, t/a Superior Home Builders Inc**, acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board:

Count 1:	18 VAC 50-22-260 B 31	\$400.00
Board Costs		\$150.00
Total		\$550.00

Further, **Superior Home Builders Inc** agrees to have a member of Responsible Management successfully complete a Board approved remedial education class.

Upon a motion by **Mr. Williams** seconded by **Mr. Rusher** the board ratified the

consent order with an unanimous vote: Members voting “Yes” were: **Sumpter, Dyer, Rusher, Hart, Miller, Dowdy, Kirby, Redifer, Tomlin, Cronin, Smith, Wood and Walton.**

**In the matter of Consent Order File number 2009-03624 Board v. Kenneth Wilson III t/a Aquatic Construction;** the Board reviewed the Consent Order. Incorporated in the consent Order is the Report of Findings, which contains the facts regarding the regulatory and /or statutory issues in this matter.

**File Number  
2009-03624  
Kenneth Wilson III t/a  
Aquatic Construction**

**Kenneth G Wilson III** acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board’s Regulations and consents to the following term(s) by the Board:

Count 1:	18 VAC 50-22-260.B.27	\$500.00
Count 2:	18 VAC 50-22-260.B 6	\$500.00
Count 3:	18 VAC 50-22-260.B.25	\$750.00
Count 4:	18 VAC 50-22-260 B 5	\$750.00
Board Costs		\$150.00
Total		\$2,650.00

In addition, for violation of Counts 1, 3 and 4, **the Board shall waive imposition** of the above stated monetary penalties and shall not impose remedial education. The Board shall impose a \$100.00 monetary penalty for each count (1, 3 and 4) and in exchange, Kenneth G Wilson III agrees to revocation of his license.

Further, the Board shall waive imposition of the \$500.00 monetary penalty for Count 2 provided a final Inspection is obtained and proof of the inspection is provided to the Board within ninety days of the effective date of this order. If Kenneth G Wilson III fails to comply with these conditions, then the \$500.00 monetary penalty will be automatically imposed for Count 2.

Upon a motion by **Mr. Rusher** seconded by **Mr. Williams** the board ratified the consent order with a unanimous vote: Members voting “Yes” were: **Dyer, Rusher, Hart, Smith, Miller, Dowdy, Kirby, Tomlin, Cronin, Sumpter, Wood, Williams and Walton.**

**As the Board representative Redifer not present and did not vote.**

**In the matter of Consent Order File Number 2009-03734 Board v. Richard D Wright, t/a The Wright Touch;** the Board reviewed the Consent Order. Incorporated in the Consent Order is the Report of Findings, which contains the facts regarding the regulatory and/or statutory issues in this matter.

**File Number  
2009-03734  
Richard D Wright, t/a  
the Wright Touch**

**Richard D Wright, t/a The Wright Touch** , acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board’s Regulations and consents to the following term(s) by the Board:

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Count 1:	18 VAC 50-22-260 B 27	\$350.00
Count 2:	18 VAC 50-22-260.B 6	\$400.00
Board Costs		\$150.00
Total		\$900.00
Further, <b>Richard D Wright</b> agrees to have a member of responsible management successfully complete a Board approved remedial education class.		

Upon a motion by **Mr. Sumpter** seconded by **Mr. Williams** the board ratified the consent order with a unanimous vote: Members voting “Yes” were: **Sumpter, Dyer, Rusher, Hart, Smith, Cronin, Miller, Dowdy, Kirby, Redifer, Williams, Wood, Tomlin and Walton.**

**In the matter of Consent Order File Number 2009-03845 Board v. Walnut Hill Inc** the Board reviewed the Consent Order. Incorporated in the Consent Order is the Report of Findings, which contains the facts regarding the regulatory and/or statutory issues in this matter.

**File Number**  
**2009-03845**  
**Walnut Hill, Inc.**

**Walnut Hill Inc** , acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board’s Regulations and consents to the following term(s) by the Board:

Count 1:	18 VAC 50-22-260 B 28	\$00.00
Board Costs		\$150.00
Total		\$150.00
Further, <b>Walnut Hill Inc</b> agrees to revocation of its license.		
Further, the Board shall waive imposition of license revocation for Count1, provided Walnut Hill Inc satisfies the judgment and provides the Board with proof of the satisfaction within ninety days of the date of the order.		

Upon a motion by **Mr. Williams** seconded by **Mr. Sumpter** the board ratified the consent order with a unanimous vote: Members voting “Yes” were: **Sumpter, Dyer, Rusher, Hart, Smith, Miller, Cronin, Dowdy, Williams, Kirby, Tomlin, Redifer, Wood and Walton.**

**In the matter of Consent Order File Number 2009-04129 Board v. Waterford Home Builders LLC**, and the Board reviewed the Consent Order. Incorporated in the Consent Order is the Report of Findings, which contains the facts regarding the regulatory and/or statutory issues in this matter.

**File Number**  
**2009-04129**  
**Waterford Home Builders LLC**

**Waterford Home Builders LLC** acknowledges an understanding of the charges and

admits to the violations of the Counts as outlined in the Report of Findings.

**Waterford Home Builders LLC** consents to the following terms:

Count 1:	18 VAC 50-22-260 B 31	\$200.00
Count 2:	18 VAC 50-22-260 B 29	\$300.00
Board Costs		\$150.00
Total		\$650.00
In addition, <b>Waterford Home Builders LLC</b> agrees to have a member of Responsible Management successfully complete a board-approved remedial education class.		

Upon a motion by **Mr. Sumpter** seconded by **Mr. Williams** the board ratified the consent order with an unanimous vote: Members voting “Yes” were: **Sumpter, Dyer, Rusher, Hart, Smith, Cronin, Miller, Dowdy, Tomlin, Redifer, Kirby, Williams, Wood and Walton.**

**In the matter of Consent Order File Number 2009-04258 Board v. George Wolfe t/a Hunter Wolfe** the Board reviewed the Consent Order. Incorporated in the Consent Order is the Report of Findings, which contains the facts regarding the regulatory and/or statutory issues in this matter.

**File Number**  
**2009-04258**  
**George Wolfe t/a Hunter Wolfe**

**George Wolfe t/a Hunter Wolfe**, acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board’s Regulations and consents to the following term(s) by the Board:

Count 1:	18 VAC 50-22-260 B 8	\$250.00
Count 2:	18 VAC 50-22-260 B 27	\$550.00
Board Costs		\$150.00
Total		\$950.00
In addition, <b>George Hunter Wolfe</b> agrees to have a member of Responsible Management successfully complete a Board-approved remedial education class.		

Upon a motion by **Mr. Rusher** seconded by **Mr. Williams** the board ratified the consent order with an unanimous vote: Members voting “Yes” were: **Sumpter, Dyer, Rusher, Hart, Smith, Miller, Cronin, Dowdy, Kirby, Tomlin, Redifer, Wood, Williams and Walton.**

**In the matter of Consent Order File Number 2010-00062 Board v. CBLD North Wind LLC, t/a North Wind Mechanical LLC;** the Board reviewed the Consent Order. Incorporated in the Consent Order is the Report of Findings, which contains the facts regarding the regulatory and/or statutory issues in this matter.

**File Number**  
**2010-00062**  
**CBLD North Wind LLC, t/a North Wind Mechanical LLC**

**CBLD North Wind LLC, t/a North Wind Mechanical LLC**, acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board:

Count 1:	18 VAC 50-22-260 B 27	\$0.00
Count 2:	18 VAC 50-22-260.B.27 (2 Violations @ 0.00 each)	\$0.00
Count 3:	18 VAC 50-22-260.B.6 (3 violations @ \$350.00 each)	\$1,050.00
Board Costs		\$150.00
Total		\$1,200.00
See order for additional information.		

Upon a motion by **Mr. Sumpter** seconded by **Mr. Williams** the board ratified the consent order with an unanimous vote: Members voting "Yes" were: **Sumpter, Dyer, Rusher, Hart, Smith, Miller, Dowdy, Kirby, Cronin, Tomlin, Redifer, Williams, Wood and Walton.**

**In the matter of Consent Order File Number 2010-00081 Board v. Christine A Buka, t/a C & M Building & Renovations** the Board reviewed the Consent Order. Incorporated in the Consent Order is the Report of Findings, which contains the facts regarding the regulatory and/or statutory issues in this matter.

**File Number**  
**2010-00081**  
**Christine A Buka, t/a C**  
**& M Building &**  
**Renovations**

**Christine A Buka, t/a C & M Building & Renovations** acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board:

Count 1:	18 VAC 50-22-260 B 22	\$0.00
Count 2:	18 VAC 50-22-260.B 23	\$700.00
Board Costs		\$150.00
Total		\$850.00
Further, <b>Christine A Buka</b> agrees to have a member of Responsible Management successfully complete a Board-approved remedial education class.		

Upon a motion by **Mr. Smith** seconded by **Mr. Williams** the board ratified the consent order with an unanimous vote: Members voting "Yes" were: **Sumpter, Dyer, Rusher, Hart, Smith, Miller, Dowdy, Kirby, Cronin, Williams, Tomlin, Wood and Walton.**

**Redifer the hearing officer was not present and did not participate.**

**In the matter of Consent Order File Number 2010-00124 Board v. Glen Allen Belew Sr, t/a Glen S Drywall;** the Board reviewed the Consent Order. Incorporated in the Consent Order is the Report of Findings, which contains the facts regarding the

**File Number**  
**2010-00124**  
**Glen Allen Belew Sr, t/a**



regulatory and/or statutory issues in this matter.

**Glen S Drywall**

**Glen Allen Belew Sr, t/a Glen S Drywall** acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board:

Count 1:	18 VAC 50-22-260 B 8	\$00.00
Count 2:	18 VAC 50-22-260.B 27	\$00.00
Count 3:	18 BAC 50-22-260 B 6	\$00.00
Count 4:	18 VAC 50-22-260.B.12	\$00.00
Count 5:	18 VAC 50-22-260 B 13	\$00.00
Board Costs		\$150.00
Total		\$150.00
Further, <b>Glen Allen Belew Sr</b> agrees to have a member of Responsible Management successfully complete a Board-approved remedial education class. In addition, for violations of Counts 1-5, <b>Glen Allen Belew Sr</b> agrees to revocation of his license.		

Upon a motion by **Mr. Sumpter** seconded by **Mr. Williams** the board ratified the consent order with an unanimous vote: Members voting "Yes" were: **Sumpter, Dyer, Rusher, Hart, Smith, Miller, Dowdy, Cronin, Kirby, Redifer, Williams, Tomlin, Wood and Walton.**

**In the matter of Consent Order File Number 2010-00208 Board v. Harold J Davis t/a Davis Handyman**, the Board reviewed the Consent Order. Incorporated in the Consent Order is the Report of Findings, which contains the facts regarding the regulatory and/or statutory issues in this matter.

**File Number**  
**2010-00208**  
**Harold J Davis t/a Davis Handyman**

**Harold J Davis t/a Davis Handyman**, acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board:

Count 1:	18 VAC 50-22-260 B 27	\$550.00
Count 2:	18 VAC 50-22-260.B 6	\$300.00
Board Costs		\$150.00
Total		\$1,000.00
In addition, <b>Harold J Davis t/a Davis Handyman</b> agrees to have a member of Responsible Management successfully complete a Board-approved remedial education class.		

Upon a motion by **Mr. Williams** seconded by **Mr. Redifer** the board ratified the consent order with an unanimous vote: Members voting "Yes" were: **Sumpter, Dyer, Rusher, Hart, Smith, Miller, Dowdy, Kirby, Redifer, Tomlin, Cronin,**

**Williams, Wood and Walton.**

**In the matter of Consent Order File Number 2010-00407 Board v. Handy Man Services & Remodeling LLC** the Board reviewed the Consent Order. Incorporated in the Consent Order is the Report of Findings, which contains the facts regarding the regulatory and/or statutory issues in this matter.

**Handy Man Services & Remodeling LLC**, acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board:

Count 1:	18 VAC 50-22-260 B 27	\$400.00
Count 2:	18 VAC 50-22-260 B 6	\$500.00
Count 3:	18 VAC 50-22-260.B.31	\$250.00
Board Costs		\$150.00
Total		\$1,300.00

In addition, **handy Man Services & Remodeling LLC** agrees to have a member of Responsible Management successfully complete a Board-approved remedial education class within 90 days of the order.

Upon a motion by **Mr. Hart** seconded by **Mr. Dyer** the board ratified the consent order with an unanimous vote: Members voting "Yes" were: **Sumpter, Dyer, Rusher, Hart, Cronin, Tomlin, Miller, Dowdy, Smith, Williams, Kirby, Redifer, Wood and Walton.**

**In the matter of Consent Order File Number 2010-00411 Board v. Jeffrey T Morris, t/a Todd Morris & Sons Construction**, the Board reviewed the Consent Order. Incorporated in the Consent Order is the Report of Findings, which contains the facts regarding the regulatory and/or statutory issues in this matter.

**Keswick Oaks Konstruction, t/a Keswick Oaks Konstruction**, acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board:

Count 1:	18 VAC 50-22-260 B6	\$800.00
Board Costs		\$150.00
Total		\$950.00

In addition, for violation **Jeffrey T Morris** agrees to have a member of Responsible Management successfully complete a Board-approved remedial education class within 90 days of the order.

**File Number**

**2010-00407**

**Handy Man Services & Remodeling LLC**

**File Number**

**2010-00411**

**Jeffrey T Morris, t/a Todd Morris & Sons Construction**

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Upon a motion by **Mr. Sumpter** seconded by **Mr. Williams** the board ratified the consent order with an unanimous vote: Members voting “Yes” were: **Sumpter, Dyer, Williams, Rusher, Hart, Tomlin, Miller, Dowdy, Kirby, Smith, Cronin, Redifer, Wood and Walton.**

**In the matter of Consent Order File Number 2010-00441 Board v. Charles T Smith, t/a Smith Paving**, the Board reviewed the Consent Order. Incorporated in the Consent Order is the Report of Findings, which contains the facts regarding the regulatory and/or statutory issues in this matter.

**File Number**

**2010-00441**

**Charles T Smith, t/a  
Smith Paving**

**Charles T Smith, t/a Smith Paving**, acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board’s Regulations and consents to the following term(s) by the Board:

Count 1:	18 VAC 50-22-260.28	\$2,000.00
Board Costs		\$150.00
Total		\$2,150.00
In addition, the Board shall waive imposition of the \$2,000.00 monetary penalty for Count 1 provided Charles T Smith satisfies the judgment and provides the Board with proof of the satisfaction within ninety (90) days of the effective date of this order. If Smith fails to comply with these conditions, then the full monetary penalty will be automatically imposed. Further, for violation of Count 1, Charles T Smith agrees to have a member of Responsible Management successfully complete a Board-approved remedial education class.		

Upon a motion by **Mr. Williams** seconded by **Mr. Sumpter** the board ratified the consent order with an unanimous vote: Members voting “Yes” were: **Sumpter, Dyer, Williams, Kirby, Rusher, Cronin, Hart, Tomlin, Miller, Dowdy, Smith, Redifer, Wood and Walton.**

**In the matter of Consent Order File Number 2010-00489 Board v. Straightline General Contracting Inc;** the Board reviewed the Consent Order. Incorporated in the Consent Order is the Report of Findings, which contains the facts regarding the regulatory and/or statutory issues in this matter.

**File Number**

**2010-00489**

**JPD Carpet & Floors  
Inc, t/a Suns**

**Straightline General Contracting Inc**, acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board’s Regulations and consents to the following term(s) by the Board:

Count 1:	18 VAC 50-22-260 B 27	\$650.00
Board Costs		\$150.00
Total		\$800.00
In addition, <b>JPD Carpet &amp; Floors Inc</b> agrees to have a member of		

Responsible Management successfully complete a Board-approved remedial education class.

Upon a motion by **Mr. Williams** seconded by **Mr. Redifer** the board ratified the consent order with an unanimous vote: Members voting “Yes” were: **Sumpter, Dyer, Rusher, Hart, Tomlin, Cronin, Miller, Dowdy, Kirby, Redifer, Williams, Walton, Wood and Smith.**

**In the matter of Consent Order File Number 2010-00794 Board v. CM Carpentry LLC;** the Board reviewed the Consent Order. Incorporated in the Consent Order is the Report of Findings, which contains the facts regarding the regulatory and/or statutory issues in this matter.

**File Number**  
**2010-00794**  
**CM Carpentry LLC**

**Burrus Industries Inc** , acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board’s Regulations and consents to the following term(s) by the Board:

Count 1:	18 VAC 50-22-260 B 2	\$650.00
Board Costs		\$150.00
Total		\$800.00
Further, <b>C M Carpentry LLC</b> agrees to have a member of Responsible Management successfully complete a Board-approved remedial education class within 90 days of the order.		

Upon a motion by **Mr. Williams** seconded by **Mr. Sumpter** the board ratified the consent order with an unanimous vote: Members voting “Yes” were: **Sumpter, Dyer, Rusher, Hart, Tomlin, Miller, Cronin, Dowdy, Kirby, Smith, Williams, Wood and Walton.**

**Redifer, the Boards representative did not vote.**

**In the matter of Consent Order File Number 2009-00795 Board v. Leonard’s Contracting Inc.;** the Board reviewed the Consent Order. Incorporated in the Consent Order is the Report of Findings, which contains the facts regarding the regulatory and/or statutory issues in this matter.

**File Number**  
**2010-00795**  
**Leonard’s Contracting Inc**

**Leonard’s Contracting Inc.** acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board’s Regulations and consents to the following term(s) by the Board:

Count 1:	18 VAC 50-22-260 B 18	\$800.00
Board Costs		\$150.00
Total		\$950.00

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In addition, **Leonard's Contracting Inc** agrees to have a member of Responsible Management successfully complete a Board-approved remedial education class within 90 days of the order.

Upon a motion by **Mr. Williams** seconded by **Mr. Sumpter** the board ratified the consent order with an unanimous vote: Members voting "Yes" were: **Sumpter, Dyer, Williams, Rusher, Hart, Tomlin, Cronin, Miller, Dowdy, Kirby, Smith, Redifer, Wood and Walton.**

**In the matter of Consent Order File Number 2010-01061 Board v. Faden Contracting, Inc.;** the Board reviewed the Consent Order. Incorporated in the Consent Order is the Report of Findings, which contains the facts regarding the regulatory and/or statutory issues in this matter.

**File Number**

**2010-01061**

**Faden Contracting, Inc.**

**Faden Contracting, Inc,** acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board:

Count 1:	18 VAC 50-22-260.B 29	\$600.00
Board Costs		\$150.00
Total		\$750.00
In addition, <b>Faden contracting Inc</b> agrees to have a member of Responsible Management successfully complete a Board-approved remedial education class within 90 days of the order.		
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Upon a motion by **Mr. Williams** seconded by **Mr. Sumpter** the board ratified the consent order with an unanimous vote: Members voting "Yes" were: **Sumpter, Dyer, Rusher, Hart, Tomlin, Cronin, Williams, Wood, Miller, Dowdy, Kirby, Redifer, Smith and Walton.**

**In the matter of Consent Order File Number 2010-01330 Board v. Jerry Hall;** the Board reviewed the Consent Order. Incorporated in the Consent Order is the Report of Findings, which contains the facts regarding the regulatory and/or statutory issues in this matter. William Butch Cann was present at the Board meeting and wanted the Board to know he was sorry for the inconvenience to the Board and the customer.

**File Number**

**2010-01330**

**Jerry Hall**

**Jerry Hall,** acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board:

Count 1:	18 VAC 50-22-260 B 27	\$650.00
Board Costs		\$150.00
Total		\$800.00
In addition, <b>Jerry Hall</b> agrees to have a member of Responsible Management successfully complete a board-approved remedial education class.		

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Upon a motion by **Mr. Sumpter** seconded by **Mr. Williams** the board ratified the consent order with an unanimous vote: Members voting “Yes” were: **Sumpter, Dyer, Rusher, Hart, Tomlin, Cronin, Williams, Miller, Dowdy, Kirby, Redifer, Smith, Wood and Walton.**

**In the matter of Consent Order File Number 2010-01332 Board v. Scott J Davis, t/a S J Davis Excavating Service;** the Board reviewed the Consent Order. Incorporated in the Consent Order is the Report of Findings, which contains the facts regarding the regulatory and/or statutory issues in this matter.

**File Number**  
**2010-01332**  
**Scott J Davis, t/a S J**  
**Davis Excavating Service**

**Scott J Davis**, acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board’s Regulations and consents to the following term(s) by the Board:

Count 1:	18 VAC 50-22-260 B 27	\$650.00
Board Costs		\$150.00
Total		\$800.00
In addition, <b>Scott J Davis</b> agrees to have a member of Responsible Management successfully complete a Board-approved remedial education class.		

Upon a motion by **Mr. Williams** seconded by **Mr. Sumpter** the board ratified the consent order with an unanimous vote: Members voting “Yes” were: **Sumpter, Dyer, Rusher, Hart, Tomlin, Cronin, Williams, Miller, Dowdy, Kirby, Redifer, Smith, Wood and Walton.**

**In the matter of Consent Order File Number 2010-01338 Board v. T Keith Morris, t/a Keith Morris Roofing;** the Board reviewed the Consent Order. Incorporated in the Consent Order is the Report of Findings, which contains the facts regarding the regulatory and/or statutory issues in this matter.

**File Number**  
**2010-01338**  
**T Keith Morris, t/a**  
**Keith Morris Roofing**

**T Keith Morris**, acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board’s Regulations and consents to the following term(s) by the Board:

Count 1:	18 VAC 50-22-260.B.27	\$650.00
Board Costs		\$150.00
Total		\$800.00
In addition, <b>T Keith Morris</b> agrees to have a member of Responsible Management successfully complete a Board-approved remedial education class.		

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Upon a motion by **Mr. Williams** seconded by **Mr. Cronin** the board ratified the consent order with an unanimous vote: Members voting “Yes” were: **Sumpter, Dyer, Rusher, Hart, Williams, Cronin, Tomlin, Miller, Dowdy, Kirby, Redifer, Smith, Wood and Walton.**

**In the matter of Consent Order File Number 2010-01437 Board v. James A Coles, t/a Coles Construction** the Board reviewed the Consent Order. Incorporated in the Consent Order is the Report of Findings, which contains the facts regarding the regulatory and/or statutory issues in this matter.

**File Number**

**2010-01437**

**James A Coles, t/a  
Coles Construction**

**James A Coles**, acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board’s Regulations and consents to the following term(s) by the Board:

Count 1:	18 VAC 50-22-260 B 8	\$350.00
Board Costs		\$150.00
Total		\$500.00
In addition, <b>James A Coles</b> agrees to have a member of Responsible Management successfully complete a Board-approved remedial education class.		

Upon a motion by **Mr. Williams** seconded by **Mr. Miller** the board ratified the consent order with an unanimous vote: Members voting “Yes” were: **Sumpter, Dyer, Rusher, Hart, Tomlin, Miller, Cronin, Williams, Dowdy, Kirby, Redifer, Smith, Wood and Walton.**

**In the matter of Consent Order File Number 2010-01532 Board v. Schmidt Construction Company LLC** the Board reviewed the Consent Order. Incorporated in the Consent Order is the Report of Findings, which contains the facts regarding the regulatory and/or statutory issues in this matter.

**File Number**

**2010-01532**

**Schmidt Construction  
Company LLC**

**Schmidt Construction Company LLC**, acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board’s Regulations and consents to the following term(s) by the Board:

Count 1:	18 VAC 50-22-260 B 24	\$00.00
Board Costs		\$150.00
Total		\$150.00
In addition, <b>Schmidt construction Company LLC</b> agrees to have a member of Responsible Management successfully complete a Board-approved remedial education class within 90 days of the order. It is noted that Schmidt Construction Company LLC abated the notice of violation the same day that it was issued. Therefore, no monetary penalty is imposed for Count 1.		

Upon a motion by **Mr. Cronin** seconded by **Mr. Williams** the board ratified the consent order with an unanimous vote: Members voting “Yes” were: **Sumpter, Dyer, Rusher, Hart, Tomlin, Miller, Dowdy, Kirby, Williams, Cronin, Smith, Wood and Walton.**

**Redifer** was the Board’s representative was present.

The Board took a lunch break at 1:15 pm and reconvened at 1:30 pm.

**Lunch Break and  
Reconvene**

The Board discussed the terms of the order for 2009-00684 and agreed payment had to be made in the amount of \$20,000.00 in order to be in compliance with the Henrico court order.

**File Number  
2009-00684**

Upon a motion by **Mr. Williams** seconded by **Mr. Sumpter** the board agreed to **pay the \$20,000.00** to be in compliance with the circuit court order. The motion passed with a unanimous vote: Members voting “Yes” were: **Sumpter, Dyer, Rusher, Hart, Tomlin, Miller, Dowdy, Kirby, Redifer, Williams, Cronin, Smith, Wood and Walton.**

**A. Information Update:**

**Other Board Business**

Eric Olson briefed the Board bringing them up to date regarding the Regulatory package. The current status of regulation that are in review and on proposed statutory changes..

**B. Staff Visits to Franklin:**

The Board was updated on staff visits to the International Paper Mill in Franklin.

**C. Miss Utility:**

Mr. Redifer gave the Board an update on Miss. Utility activity and requested that CID and board staff attend a future meeting to discuss possible disciplinary sanctions against contractors that appear before Miss Utility.

**D. Informal Question and Answer:**

The Board had an informal question and answer per held by Steven Jack regarding different Recovery Fund Issues.

**E. Backflow Prevention:**

The Board directed the Committee to review the experience requirements that must be met by Backflow Prevention Device workers.



The next Board meeting will be April 20<sup>th</sup>, 2010.

**New Business**

There being no further business to come before the board, the meeting was adjourned at **2:45 p.m.** upon a motion by **Mrs. Wood** and seconded by **Mrs. Tomlin**. The motion passed by unanimous vote. Members voting “Yes” were: **Sumpter, Dyer, Rusher, Hart, Tomlin, Miller, Dowdy, Kirby, Williams, Cronin, Redifer, Smith, Wood and Walton.**

**Adjournment**

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Robert Kirby, Chairman

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Jay W. DeBoer, Secretary